WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Introduced

Senate Bill 376

By Senators Azinger, Karnes, Maroney, Maynard,

Romano, Trump, Boso, and Cline

[Introduced January 25, 2018; Referred

to the Committee on Government Organization; and then

to the Committee on the Judiciary]

1   A BILL to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended; and to

2   amend and reenact §3-2-2 of said code, all relating to residency requirements for people

3   entitled to vote and people eligible to register to vote; requiring that a person be a legal

4   resident of the state, county, or municipality in which he or she offers to vote; requiring

5   that a person be a legal resident of the state or county in which he or she applies to register

6   to vote; and defining the term "legal resident".

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-3. Persons entitled to vote.

1   (a) Citizens of the State of West Virginia shall be entitled to vote at all elections held within

2   the precincts of the counties and municipalities in which they respectively reside. But no person

3   who has not been registered as a voter as required by law, or who is a minor, or who has been

4   declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of

5   treason, felony or bribery in an election, or who is not a ~~bona fide~~ legal resident of the state,

6   county, or municipality in which he or she offers to vote, shall be permitted to vote at such election

7   while such disability continues, unless otherwise specifically provided by federal or state code.

8   Subject to the qualifications otherwise prescribed in this section, however, a minor shall be

9   permitted to vote only in a primary election if he or she will have reached the age of 18 years on

10   the date of the general election next to be held after such primary election.

11   (b) For the purpose of this section, "legal resident" means a person who is domiciled in

12   the state, county, or municipality in which he or she offers to vote, which includes both physical

13   residency (or presence) in the state, county, or municipality and an intent to remain in the state,

14   county, or municipality. Facts that may demonstrate the domicile of a person in the state, county,

15   or municipality include, but are not limited to, the physical character of the person's residence(s);

16   the person's time spent in the state, county, or municipality; the person's reasons for residency in

17   the state, county, or municipality; whether the person intends on returning permanently to another

18   residence outside of the state, county, or municipality in the future; whether the person obtains a

19   license to operate a vehicle in the state; whether the person registers a vehicle(s) or other property

20   in the state or county; the address listed on the person's vehicle registration card; the address

21   listed on the person's driver's license; the address where the person receives state or federal

22   benefits; and whether the person pays property or income taxes in the state, county, or

23   municipality.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-2. Eligibility to register to vote.

1   (a) Any person who possesses the Constitutional qualifications for voting may register to

2   vote. To be qualified, a person ~~must~~ shall be a citizen of the United States and a legal resident of

3   the State of West Virginia and of the county where he or she is applying to register, shall be at

4   least 18 years of age, except that a person who is at least 17 years of age and who will be 18

5   years of age by the time of the next ensuing general election may also be permitted to register,

6   and shall not be otherwise legally disqualified: *Provided,* That a registered voter who has not

7   reached 18 years of age may vote both partisan and nonpartisan ballots in a federal, state, county,

8   municipal, or special primary election if he or she will be 18 years of age by the time of the

9   corresponding general election.

10   (b) Any person who has been convicted of a felony, treason, or bribery in an election,

11   under either state or federal law, is disqualified and is not eligible to register or to continue to be

12   registered to vote while serving his or her sentence, including any period of incarceration,

13   probation or parole related thereto. Any person who has been declared mentally incompetent by

14   a court of competent jurisdiction is disqualified and shall not be eligible to register or to continue

15   to be registered to vote for as long as that disability continues.

16   (c) For the purpose of this section, "legal resident" means a person who is domiciled in the

17   state or county in which he or she is applying to register to vote, which includes both physical

18   residency (or presence) in the state or county and an intent to remain in the state or county. Facts

19   that may demonstrate the domicile of a person in the state or county include, but are not limited

20   to, the physical character of the person's residence(s); the person's time spent in the state or

21   county; the person's reasons for residency in the state or county; whether the person intends on

22   returning permanently to another residence outside of the state or county in the future; whether

23   the person obtains a license to operate a vehicle in the state; whether the person registers a

24   vehicle(s) or other property in the state or county; the address listed on the person's vehicle

25   registration card; the address listed on the person's driver's license; the address where the person

26   receives state or federal benefits; and whether the person pays property or income taxes in the

27   state or county.

NOTE: The purpose of this bill is to amend the residency requirements for people entitled to vote and people eligible to register to vote by adding a definition for the phrase "legal resident."

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.