

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

House Bill 2864

**FISCAL
NOTE**

BY DELEGATE YOUNG

[Introduced March 03, 2021; Referred to the
Committee on Government Organization then the
Judiciary]

1 A BILL to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to
 2 eligibility of voters; removing the prohibition voter registration for persons convicted of
 3 certain felonies who have fully served their sentence; requiring the Division of Corrections
 4 to notify persons of their renewed eligibility to vote upon release; and requiring the Division
 5 of Probation to notify persons of their renewed voter eligibility upon discharge.

Be it enacted by the Legislature of West Virginia:

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 be a citizen of the United States and a legal resident of West
 3 Virginia and of the county where he or she is applying to register, shall be at least 18 years of
 4 age, except that a person who is at least 17 years of age and who will be 18 years of age by the
 5 time of the next ensuing general election may also be permitted to register, and shall not be
 6 otherwise legally disqualified: *Provided*, That a registered voter who has not reached 18 years of
 7 age may vote both partisan and nonpartisan ballots in a federal, state, county, municipal or special
 8 primary election if he or she will be 18 years of age by the time of the corresponding general
 9 election.

10 (b) (1) 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 (2) Renewed eligibility to register. - A person otherwise meeting the constitutional and
 17 statutory qualifications to vote, who is ineligible to register to vote because of a criminal conviction
 18 as provided in subdivision (1) of this subsection, is eligible and shall be permitted to register to

19 vote upon any of the following events:

20 (A) The completion of his or her sentence of incarceration;

21 (B) Issuance of an order from a court of competent jurisdiction to vacate or overturn all
22 convictions rendering such person ineligible to register to vote; or

23 (C) Issuance of an order of pardon from the Governor for all convictions rendering such
24 person ineligible to register to vote.

25 (D) Notwithstanding other provisions of this section, a person subject to a period of
26 probation or parole shall not be required to wait until completion and that program and shall
27 likewise be eligible to register pursuant to completion of their incarceration, as provided in this
28 subdivision.

29 (3) Notice of renewed eligibility to register. - Upon the occurrence of an event described
30 in subdivision (2) of this subsection, the West Virginia Division of Corrections and Rehabilitation
31 shall provide such person written notification that he or she is no longer ineligible to register to
32 vote based on his or her conviction and a copy of a voter registration form.

33 (4) Nothing in this subsection may be construed to permit a person to register to vote in
34 an election after the close of voting registration before such election, as provided in §3-2-6 or §3-
35 2-6a of this code, whichever is applicable.

NOTE: The purpose of this bill is to remove the prohibition on persons convicted of certain felonies from voter registration and to allow persons to re-register to vote following completion of their sentence or pardon; requiring the Division of Corrections to notify persons of their renewed eligibility to vote upon release; and requiring the Division of Probation to notify persons of their renewed voter eligibility upon discharge.

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