

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 488

BY SENATORS HAMILTON, BROWN, CAPUTO, GRADY,
PLYMALE, ROMANO, STOVER, WOELFEL, BALDWIN,
LINDSAY, STOLLINGS, TAKUBO, AND BEACH

[Introduced January 26, 2022; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to
2 formerly incarcerated individuals voting rights by eliminating restrictions to voting rights for
3 once an individual is released from incarceration through probation, parole, or completion
4 of a sentence.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. VOTING BY ABSENTEES.

§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 eighteen years
4 of age, except that a person who is at least seventeen years of age and who will be eighteen
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 eighteen years of age may vote both partisan and nonpartisan ballots in a federal, state,
8 county, municipal or special primary election if he or she will be eighteen years of age by the time
9 of the corresponding general election.

10 (b) Any person who has been convicted of a felony, treason or bribery in an election, under
11 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~~ Upon release from incarceration for that felony conviction
14 either through pardon, parole, probation, or completion of sentence without further action required
15 of him or her, shall be invested with all political rights, including the right to vote. Any person who
16 has been declared mentally incompetent by a court of competent jurisdiction is disqualified and
17 shall not be eligible to register or to continue to be registered to vote for as long as that disability
18 continues.

NOTE: The purpose of this bill is to restore voting rights to formerly convicted voters upon release from incarceration in all circumstances.

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