

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 486

By Senators Woodrum and Oliverio

[Introduced February 14, 2025; referred
to the Committee on the Judiciary]

A BILL to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended, relating to clarifying the eligibility requirements to vote in West Virginia elections.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-3. Persons entitled to vote.

~~Citizens of the state shall be entitled to vote at all elections held within the precincts of the counties and municipalities in which they respectively reside. But no person who has not been registered as a voter as required by law, or who is a minor, or who has been declared mentally incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or bribery in an election, or who is not a bona fide resident of the state, county or municipality in which he or she offers to vote, shall be permitted to vote at such election while such disability continues, unless otherwise specifically provided by federal or state code. Subject to the qualifications otherwise prescribed in this section, however, a minor shall be permitted to vote only in a primary election if he or she will have reached the age of eighteen years on the date of the general election next to be held after such primary election~~

(a) Citizens of the state shall be entitled to vote at all elections held within the precincts of the counties and municipalities in which they respectively reside. But no person shall be permitted to vote in a federal, state, county, municipal or special election unless the person:

(1) Is registered to vote as required by law;

(2) Is 18 years of age, except that a person shall be permitted to vote in a primary election if he or she will have reached the age of eighteen years on the date of the general election next to be held after such primary election;

(3) Has not been determined by a final judgment of a circuit court exercising jurisdiction pursuant to §44A-1-2(c) to be:

(A) Totally mentally incompetent; or

(B) Partially mentally incompetent without the right to vote;

(4) Has not been finally convicted of treason, felony or bribery in election or, if so convicted,
has:
(A) Fully discharged the person's sentence including any term of incarceration, parole,
supervision, or period of probation ordered by any court; or
(B) Been pardoned or otherwise formally released from the resulting disability to vote;
(5) Is a United States citizen; and
(6) Is a bona fide resident of the state, county, or municipality in which he or she offers to
vote.
(b) For purposes of paragraph (a)(3), a person shall be requalified to vote upon certification
in writing by the clerk of the circuit court of an order or other official determination filed with his or
her office that the person is no longer totally mentally incompetent or partially mentally
incompetent without the right to vote: *Provided*, That a copy of the order or other official
determination shall not be provided without further order by a court of competent jurisdiction or
written permission signed by the person to whom the order or official determination pertains.
(c) For purposes of subsection (a)(4):
(1) A person convicted of a disqualifying crime is disqualified from the date of conviction
regardless of any pending sentencing or other matters, but which disqualification shall cease upon
completion of the sentence or entry of an order or other judicial determination that deviates from
the original conviction or plea to a lesser crime that is not disqualifying; and
(2) A person is not considered to have finally been convicted of an offense for which the
criminal proceedings are deferred without an adjudication of guilt.

NOTE: The purpose of this bill is to clarify the qualifications of persons entitled to vote.

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