

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Enrolled

Committee Substitute

for

Senate Bill 486

BY SENATORS WOODRUM AND OLIVERIO

[Passed March 19, 2025; in effect 90 days from
passage (June 17, 2025)]

1 AN ACT to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended, relating
2 to eligibility requirements to vote in West Virginia elections; describing eligibility
3 requirements for persons to vote, including citizenship, age, and residency requirements;
4 providing guidance on persons deemed ineligible to vote; providing for restoration of voting
5 rights in certain circumstances; and clarifying when a person convicted of a disqualifying
6 crime is not permitted to vote.

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 may vote at all elections held within the precincts of the counties
2 and municipalities in which they respectively reside, but a person may not vote in a federal, state,
3 county, municipal, or special election unless the person:

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

5 (2) Is 18 years of age, except that a person may vote in a primary election if he or she will
6 reach the age of 18 years on or before the date of the next general election held after the primary
7 election;

8 (3) Has not been determined by a final judgment of a circuit court exercising jurisdiction
9 pursuant to §44A-1-2(c) of this code to be totally mentally incompetent.

10 (4) Has not been convicted of treason, a felony, or bribery in an election or, if convicted,
11 has:

12 (A) Had his or her sentence fully discharged, including any term of incarceration, parole,
13 supervision, or period of probation ordered by any court; or

14 (B) Been pardoned or otherwise formally released from the resulting disability to vote;

15 (5) Is a United States citizen; and

16 (6) Is a bona fide resident of the state, county, or municipality in which he or she offers to
17 vote.

(b) For purposes of §3-1-3 (a)(3), a person is 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: *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 §3-1-3 (a)(4):

(1) A person convicted of a disqualifying crime may not vote from the date of adjudication of that crime, notwithstanding any pending sentencing order, post-trial motions, direct appeals, or other post-conviction requests for relief; and

(2) A person is not considered to have been convicted of a disqualifying crime where the criminal proceedings are deferred and there is no adjudication of guilt as to the disqualifying crime.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2025.

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Governor