

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

Senate Bill 486

BY SENATORS WOODRUM AND OLIVERIO

[Reported February 27, 2025, from the Committee on
the Judiciary]

1 A BILL to amend and reenact §3-1-3 of the Code of West Virginia, 1931, as amended, relating to
2 the eligibility requirements to vote in West Virginia elections; describing eligibility
3 requirements for persons to vote; providing for restoration of voting rights in certain
4 circumstances; and clarifying when a person convicted of a disqualifying crime is not
5 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 ~~Citizens of the state shall be entitled to vote at all elections held within the precincts of the~~
2 ~~counties and municipalities in which they respectively reside. But no person who has not been~~
3 ~~registered as a voter as required by law, or who is a minor, or who has been declared mentally~~
4 ~~incompetent by a court of competent jurisdiction, or who is under conviction of treason, felony or~~
5 ~~bribery in an election, or who is not a bona fide resident of the state, county or municipality in~~
6 ~~which he or she offers to vote, shall be permitted to vote at such election while such disability~~
7 ~~continues, unless otherwise specifically provided by federal or state code. Subject to the~~
8 ~~qualifications otherwise prescribed in this section, however, a minor shall be permitted to vote~~
9 ~~only in a primary election if he or she will have reached the age of eighteen years on the date of~~
10 ~~the general election next to be held after such primary election~~

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

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

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

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

(A) Totally mentally incompetent; or

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

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

(A) Had his or her sentence fully discharged, 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 subdivision (3), subsection (a) of this section, 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 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 subdivision (4), subsection (a) of this section:

(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.