

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4406

By Delegate Heckert

[Introduced January 16, 2026; 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; and eliminating restrictions to voting rights
3 following an individual's release from incarceration through pardon, probation, parole, or
4 completion of sentence.

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~~ shall be a citizen of the United States and a legal resident of
3 West 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~~ may 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) 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 a felony conviction either
14 through pardon, parole, probation, or completion of sentence, a person shall be eligible to register
15 to vote and to vote. Any person who has been declared mentally incompetent by a court of
16 competent jurisdiction is disqualified and ~~shall~~ may not be eligible to register or to continue to be
17 registered to vote for as long as that disability continues.

NOTE: The purpose of this bill is to eliminate restrictions to voting rights following an individual's release from incarceration through pardon, probation, parole, or completion of sentence.

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