

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4457

By Delegates Heckert, Foggin, Zatezalo, Anderson,
Cooper, Flanigan, McCormick, Hite, and Amos

[Introduced January 16, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-35 and §3-2-31 of the Code of West Virginia, 1931, as
2 amended, relating to permitting voters not affiliated with a major political party to vote the
3 ballot of that political party in a primary election.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-35. Ballots to be furnished to voters.

1 (a) In general and special elections the ballots for all voters of an election precinct shall be
2 the same.

3 (b) In primary elections the ballot of the voter's political party at that election in that precinct
4 shall be furnished to the voter together with separate ballots, if any, on any nonpartisan candidates
5 and any public questions submitted to the voters generally at such primary election.

6 (c) In the event the voter is lawfully registered as "independent" or as an adherent of a
7 political party not appearing on any primary election ballot to be voted in ~~his~~ the voter's precinct, ~~he~~
8 the voter shall ~~not~~, in a primary election, be given or entitled to vote any party ballot ~~but~~ and shall
9 be furnished any separate ballots to be voted thereat on nonpartisan candidates and public
10 questions.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-31. Rules pertaining to voting after registration or change of address within the county.

1 (a) A voter who designates a political affiliation with a major party on a registration
2 application filed no later than the close of voter registration before the primary may vote the ballot
3 of that political party in the primary election. Political parties, through the official action of their state
4 executive committees, shall be permitted to determine whether voters registered as
5 "independent," unaffiliated voters with any political party, or voters of other parties that are not
6 recognized as political parties as defined in § 3-1-8 of this code, shall be allowed to vote ~~that~~

7 ~~party's primary election ballot upon request~~ on one ballot of any political parties in a primary
8 election ballot upon request and shall be furnished a separate ballot containing races for
9 nonpartisan offices and public questions as provided in §3-1-35 of this code.

10 (b) A voter whose registration record lists one residence address but the voter has since
11 moved to another residence address within the precinct shall be permitted to update the
12 registration at the polling place and vote without challenge for that reason.

13 (c) A voter whose registration record lists one residence address but the voter has since
14 moved to another residence address in a different precinct in the same county shall be permitted to
15 update the registration at the polling place serving the new precinct and shall be permitted to vote
16 a challenged or provisional ballot at the new polling place. If the voter's registration is found on the
17 registration records within the county during the canvass and no other challenge of eligibility was
18 entered on election day, the challenge shall be removed and the ballot shall be counted.

19 (d) A voter whose registration record has been placed on an inactive status or transferred
20 to an inactive file and who has not responded to a confirmation notice sent pursuant to the
21 provisions of section twenty-four, twenty-five or twenty-six of this article and who offers to vote at
22 the polling place where he or she is registered to vote shall be required to affirm his or her present
23 residence address under penalty of perjury, as provided in section thirty-six of this article.

NOTE: The purpose of this bill is to permit voters not affiliated with a major political party to vote one ballot of any political party in a primary election.

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