

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5037

By Delegate Dillon

[Introduced February 02, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §3-1-2 of the Code of West Virginia, 1931, as amended, relating to
2 requiring residents of West Virginia who desire to vote or run for or hold public office to be
3 natural born citizens of the United States.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-2. Scope of chapter; definitions.

1 Unless restricted by the context, the provisions of this chapter shall apply to every general,
2 primary and special election in which candidates are nominated or elected or in which voters pass
3 upon any public question submitted to them, except that the provisions hereof shall be construed
4 to be operative in municipal elections only in those instances in which they are made expressly so
5 applicable.

6 Unless the context clearly requires a different meaning, as herein used:

7 "Voter" shall mean any person who possesses the statutory and Constitutional
8 qualifications for voting and who shall be a natural born citizen of the United States of America ;

9 "Election" shall mean the procedure whereby the voters of this state or any subdivision
10 thereof elect persons to fill public offices, or elect members of a Constitutional convention, or vote
11 on public questions;

12 "Any election" or "all elections" shall include every general, primary, or special election held
13 in this state, or in any of its subdivisions, for the purpose of nominating or electing federal or state
14 officers, or county, city, town or village officers of any subdivision now existing or hereafter created,
15 or for the purpose of electing members of a Constitutional convention, or for voting upon any public
16 question submitted to the people of the state or any of the aforesaid subdivisions;

17 "Office" shall be construed to mean "public office" which shall include (1) any elective office
18 provided for by the Constitution or laws of the United States or of this state to which a salary or
19 other compensation attaches, and (2) membership in a Constitutional convention;

20 "Candidate" shall mean any person to be voted for at an election who shall be a natural

21 born citizen of the United States of America;

22 "Public question" shall mean any issue or proposition, now or hereafter required by the
23 governing body of this state or any of its subdivisions to be submitted to the voters of the state or
24 subdivision for decision at elections;

25 The term "minor" as used in article four, section one of the state Constitution and as used in
26 this chapter shall mean a person who has not become eighteen years of age.

27 The changes of qualifications for persons voting in general, primary, and special elections
28 or for being a candidate to hold such a seat shall become effective January 1, 2028.

NOTE: The purpose of this bill is to require residents of West Virginia who desire to vote or run for or hold public office to be natural born citizens of the United States, effective January 1, 2028.

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