

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 1007

By Senator Morris

[Introduced February 19, 2026; referred
to the Committee on the Judiciary]

A BILL to amend and reenact §3-3-1 and §3-3-1a of the Code of West Virginia, 1931, as amended,
relating to voting in West Virginia elections while residing overseas.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. VOTING BY ABSENTEES.

§3-3-1. Persons eligible to vote absentee ballots.

(a) All registered and other qualified voters of the county may vote an absentee ballot
during the period of early voting in person.

(b) Registered voters and other qualified voters in the county are authorized to vote an
absentee ballot by mail in the following circumstances:

(1) Any voter who is confined to a specific location and prevented from voting in person
throughout the period of voting in person because of:

(A) Disability, illness, injury, or other medical reason;

(B) Physical disability or immobility due to extreme advanced age; or

(C) Incarceration or home detention: *Provided*, That the underlying conviction is not for a
crime which is a felony or a violation of §3-9-12, §3-9-13, or §3-9-16 of this code involving bribery
in an election;

(2) Any voter who is absent from the county throughout the period and available hours for
voting in person because of:

(A) Personal or business travel;

(B) Attendance at a college, university, or other place of education or training; or

(C) Employment which because of hours worked and distance from the county seat make
voting in person impossible;

(3) Any voter absent from the county throughout the period and available hours for voting in
person and who is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C.
§ 1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including
members of the uniformed services on active duty, members of the merchant marine, and spouses

and dependents of those members on active duty, ~~and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States;~~

(4) Any citizen of the United States temporarily residing abroad who:

(A) Immediately prior to departure from the United States was domiciled in West Virginia and:

(i) Was last registered to vote, or last eligible to register and vote, in West Virginia; or

(ii) Would have been eligible to register and vote in West Virginia except that the citizen had not attained 18 years of age the requirement of which has since been met; or

(iii) Would have been eligible to register and vote in West Virginia except that the citizen had not met the residency requirement;

(B) Is registered or qualified to vote elsewhere in the United States;

(C) Holds a valid passport or passport card or other proof of citizenship issued under the authority of the Secretary of State of the United States;

(D) Does not establish permanent residency in any other state or country; and

(E) Has the intent to return to West Virginia.

(5) Any voter who is required to dwell temporarily outside the county and is absent from the county throughout the time for voting in person because of:

(A) Serving as an elected or appointed federal or state officer; or

(B) Serving in any other documented employment assignment of specific duration of four years or less;

(6) Any voter for whom the designated area for absentee voting within the county courthouse or annex of the courthouse and the voter's assigned polling place are inaccessible because of his or her physical disability; and

(7) Any voter who is participating in the Address Confidentiality Program as established by §48-28A-103 of this code.

(c) Registered voters and other qualified voters in the county are authorized to vote an electronic absentee ballot in the following circumstances:

(1) The voter has a physical disability, as defined in §3-3-1a of this code;

(2) The voter is absent from the county throughout the period and available hours for voting in person and is an absent uniformed services voter or overseas voter, as defined by 42 U.S.C. § 1973, *et seq.*, the Uniformed and Overseas Citizens Absentee Voting Act of 1986, including members of the uniformed services on active duty, members of the merchant marine, and spouses and dependents of those members on active duty; ~~and persons who reside outside the United States and are qualified to vote in the last place in which the person was domiciled before leaving the United States; or~~

(3) The voter is a citizen of the United States temporarily residing abroad as set forth in subsection (b)(4) of this section; or

(4) The voter is a qualified first responder called away on duty to respond to an emergency outside the voter's county of residence, which prevents the voter from participating in the election by in-person and mail-in absentee voting. For purposes of this section, "qualified first responder" means a person with specialized training who arrives and provides aid at the scene of an emergency, such as an accident, natural disaster, or act of terrorism. First responders typically include emergency medical technicians, firefighters, law-enforcement officers, neighborhood assistance officers, and paramedics.

(d) Registered voters and other qualified voters in the county may, in the following circumstances, vote an emergency absentee ballot, subject to the availability of the services as provided in this article:

(1) Any voter who is confined or expects to be confined in a hospital or other duly licensed health care facility within the county of residence or other authorized area, as provided in this article, on the day of the election;

(2) Any voter who resides in a nursing home within the county of residence and would be

otherwise unable to vote in person, providing the county commission has authorized the services if the voter has resided in the nursing home for a period of less than 30 days;

(3) Any voter who becomes confined, on or after the 7th day preceding an election, to a specific location within the county because of illness, injury, physical disability, immobility due to advanced age, or another medical reason: *Provided*, That the county clerk may require a written confirmation by a licensed physician, physician's assistant, or advanced practice registered nurse that the voter meets the criteria of this subdivision before permitting such voter to vote an emergency absentee ballot; and

(4) Any voter who is working as a replacement poll worker and is assigned to a precinct out of his or her voting district, if the assignment was made after the period for voting an absentee ballot in person has expired.

(e) Any person meeting the qualifications of an overseas federal election voter may register to vote and may apply for and vote by mail-in ballot in any federal election held in the election district of this State in which the voter, or in the case of an overseas federal election voter who was born outside of the United States, in which the voter's parent, legal guardian, or spouse was formerly domiciled.

(f) Any person meeting the qualifications of an overseas State and federal voter may register to vote and may apply for and vote by mail in a State election and a federal election held in the election district of this State in which the voter was formerly domiciled.

§3-3-1a.

Definitions.

For the purposes of this article, the following terms have the following definitions:

(1) "Disability" means a physical or mental impairment that substantially limits one or more major life activities.

(2) "Federal election" means any general, special or primary held for the purpose of nominating or electing any candidate for the office of President or Vice President of the United States, Presidential elector, United States Senator or member of the United States House of

7 Representatives.

8 (3) "Overseas federal election voter" means any citizen of the United States who was born
9 outside of the United States, is not a voter under §3-1-1(b)(4) or an "overseas State and federal
10 voter" under subsection (4) of this section, and, except for the residency requirement of West
11 Virginia, otherwise satisfies the State's voter eligibility requirements, if the last place where a
12 parent, legal guardian, or spouse of the voter was, or would have been eligible to register and vote
13 before departure from the United States is within West Virginia and the voter has not previously
14 registered to vote elsewhere in the United States.

15 (4) "Overseas and federal voter" means a citizen of the United States residing abroad who
16 does not intend to return or whose intent to return is uncertain and who:

17 (A) Immediately prior to departure from the United States was domiciled in West Virginia
18 and

19 (i) Was registered to vote, or last eligible to register and vote, in West Virginia;

20 (ii) Would have been eligible to register and vote in West Virginia except that the citizen
21 had not attained 18 years of age the requirement of which has since been met; or

22 (iii) Would have been eligible to register and vote in West Virginia except that the citizen
23 had not met the residency requirement;

24 (B) Is not registered or qualified to vote elsewhere in the United States; and

25 (C) Holds a valid passport or passport card or other proof of citizenship issued under
26 authority of the Secretary of State of the United States.

27 (5) "Physical disability" means a physical impairment that substantially limits one or more
28 major life activities and renders a person unable to vote in person, at the polls, without assistance.

29 (6) "State election" means any general, special, or primary election held for the purpose of
30 nominating or electing the office of Governor, Secretary of State, Attorney General, Treasurer,
31 Auditor, Commissioner of Agriculture, State Senate, or House of Delegates, or amendments to the
32 West Virginia Constitution.

NOTE: The purpose of this bill relates to voting in West Virginia elections while residing overseas.

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