

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 112

By Senator Garcia

[Introduced January 14, 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 voting rights of formerly incarcerated individuals; and restoring suffrage for a person
3 incarcerated for a felony conviction upon release.

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 be a citizen of the United States and a legal resident of West
3 Virginia and of the county where he or she is applying to register, shall be at least 18 years of age,
4 except that a person who is at least 17 years of age and who will be 18 years of age by the time of
5 the next ensuing general election may also be permitted to register, and shall not be otherwise
6 legally disqualified: *Provided*, That a registered voter who has not reached 18 years of age may
7 vote both partisan and nonpartisan ballots in a federal, state, county, municipal or special primary
8 election if he or she will be 18 years of age by the time of the corresponding general election.

9 (b) Any person who has been convicted of a felony, treason or bribery in an election, under
10 either state or federal law, is disqualified and is not eligible to register or to continue to be
11 registered to vote while serving his or her sentence, including any period of incarceration,
12 probation or parole related thereto: *Provided*, That a person's eligibility to register to vote is
13 automatically restored upon his or her release from incarceration for such felony conviction,
14 whether or not the person is on probation, parole, or supervised release.

15 (c) Any person who has been declared mentally incompetent by a court of competent
16 jurisdiction is disqualified and shall not be eligible to register or to continue to be registered to vote
17 for as long as that disability continues.

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NOTE: The purpose of this bill is to restore voting rights to formerly convicted voters upon

release from incarceration.

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