

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 59

By Senator Rucker

[Introduced January 14, 2026; referred
to the Committee on the Judiciary]

A BILL to amend and reenact §3-1-3 and §3-2-2 of the Code of West Virginia, 1931, as amended, relating to residency requirements for people entitled to vote and people eligible to register to vote; requiring that a person be a legal resident of the state, county, or municipality in which he or she offers to vote; requiring that a person be a legal resident of the state or county in which he or she applies to register to vote; and defining the term "legal resident".

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. GENERAL PROVISIONS AND DEFINITIONS.

§3-1-3. Persons entitled to vote.

(a) Citizens of the state may vote at all elections held within the precincts of the counties and municipalities in which they respectively reside, but a person may not vote in a federal, state, county, municipal, or special election unless the person:

(1) Is registered to vote as required by law;

(2) Is 18 years of age, except that a person may vote in a primary election if he or she will reach the age of 18 years on or before the date of the next general election held after the primary election;

(3) Has not been determined by a final judgment of a circuit court exercising jurisdiction pursuant to §44A-1-2(c) of this code to be totally mentally incompetent;

(4) Has not been convicted of treason, a felony, or bribery in an election or, if convicted, has:

(A) Had his or her sentence fully discharged, including any term of incarceration, parole, supervision, or period of probation ordered by any court; or

(B) Been pardoned or otherwise formally released from the resulting disability to vote;

(5) Is a United States citizen; and

(6) Is a ~~bona fide~~ legal resident of the state, county, or municipality in which he or she offers to vote.

(b) For purposes of §3-1-3(a)(3), a person is requalified to vote upon certification in writing

by the clerk of the circuit court of an order or other official determination filed with his or her office that the person is no longer totally mentally incompetent: *Provided*, That a copy of the order or other official determination shall not be provided without further order by a court of competent jurisdiction or written permission signed by the person to whom the order or official determination pertains.

(c) For purposes of §3-1-3(a)(4):

(1) A person convicted of a disqualifying crime may not vote from the date of adjudication of that crime, notwithstanding any pending sentencing order, post-trial motions, direct appeals, or other post-conviction requests for relief; and

(2) A person is not considered to have been convicted of a disqualifying crime where the criminal proceedings are deferred and there is no adjudication of guilt as to the disqualifying crime.

(d) For purposes of §3-1-3(a)(6), "legal resident" means a person who is domiciled in the state, county, or municipality in which he or she offers to vote, which includes both physical residency (or presence) in the state, county, or municipality and an intent to remain in the state, county, or municipality.

(1) Facts that may demonstrate the domicile of a person in the state, county, or municipality include, but are not limited to:

(A) The physical character of the person's residence(s);

(B) The person's time spent in the state, county, or municipality;

(C) The person's reasons for residency in the state, county, or municipality;

(D) Whether the person intends on returning permanently to another residence outside of the state, county, or municipality in the future;

(E) Whether the person obtains a license to operate a vehicle in the state;

(F) Whether the person registers a vehicle(s) or other property in the state or county, the address listed on the person's vehicle registration card, and the address listed on the person's driver's license;

(G) The address where the person receives state or federal benefits; and

(H) Whether the person pays property or income taxes in the state, county, or municipality.

ARTICLE 2. REGISTRATION OF VOTERS.

§3-2-2. Eligibility to register to vote.

(a) Any person who possesses the constitutional qualifications for voting may register to vote. To be qualified, a person ~~must~~ shall be a citizen of the United States and a legal resident of the State of West Virginia and of the county where he or she is applying to register, shall be at least 18 years of age, except that a person who is at least 17 years of age and who will be 18 years of age by the time of the next ensuing general election may also be permitted to register, and shall not be otherwise legally disqualified: *Provided*, That a registered voter who has not reached 18 years of age may vote both partisan and nonpartisan ballots in a federal, state, county, municipal, or special primary election if he or she will be 18 years of age by the time of the corresponding general election.

(b) Any person who has been convicted of a felony, treason, or bribery in an election, under either state or federal law, is disqualified and is not eligible to register or to continue to be registered to vote while serving his or her sentence, including any period of incarceration, probation or parole related thereto. Any person who has been declared mentally incompetent by a court of competent jurisdiction is disqualified and shall not be eligible to register or to continue to be registered to vote for as long as that disability continues.

(c) For purposes of this section, "legal resident" means a person who is domiciled in the state, county, or municipality in which he or she offers to vote, which includes both physical residency (or presence) in the state, county, or municipality and an intent to remain in the state, county, or municipality.

(1) Facts that may demonstrate the domicile of a person in the state, county, or municipality include, but are not limited to:

(A) The physical character of the person's residence(s);

- 23 (B) The person's time spent in the state, county, or municipality;
- 24 (C) The person's reasons for residency in the state, county, or municipality;
- 25 (D) Whether the person intends on returning permanently to another residence outside of
26 the state, county, or municipality in the future;
- 27 (E) Whether the person obtains a license to operate a vehicle in the state;
- 28 (F) Whether the person registers a vehicle(s) or other property in the state or county, the
29 address listed on the person's vehicle registration card, and the address listed on the person's
30 driver's license;
- 31 (G) The address where the person receives state or federal benefits; and
- 32 (H) Whether the person pays property or income taxes in the state, county, or municipality.

NOTE: The purpose of this bill is to clarify residency requirements for voter eligibility.

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