

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 90

By Senator Tarr

[Introduced January 14, 2026; referred
to the Committee on Government Organization; and
then 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 prohibiting voters not affiliated with a major political party from voting
3 the 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 not 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 precinct, he shall not,~~
8 ~~in a primary election, as affiliated with a major political party defined in § 3-1-8, the voter shall not~~
9 be given or entitled to vote any party ballot but shall be furnished any separate ballots to be voted
10 thereat on nonpartisan candidates and public 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 not be allowed to vote that

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

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

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

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

NOTE: The purpose of this bill is to prohibit voters not affiliated with a major political party
from voting the primary election ballot of any political party.

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