

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 236**

SENATORS LINDSAY, JEFFRIES, AND BALDWIN, *original sponsors*

[Originating in the Committee on the Judiciary;

Reported on January 24, 2019]



1 A BILL to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating  
2 generally to eligibility to register to vote; providing that a person who has been convicted  
3 of certain criminal offenses and rendered ineligible to vote may register to vote upon  
4 completion of his or her sentence, upon an order from a court vacating or overturning his  
5 or her conviction, or upon an order of pardon from the Governor; requiring the Division of  
6 Corrections and Rehabilitation to provide a person in the custody or under the supervision  
7 of the division with written notice that he or she is no longer ineligible to register to vote  
8 and a voter registration form upon release or discharge of such person; requiring a  
9 probation officer of the Supreme Court of Appeals' Division of Probation Services to  
10 provide a person under such officer's supervision with written notice that he or she is no  
11 longer ineligible to register to vote and a voter registration form upon discharge of such  
12 person; and clarifying that renewed eligibility of previously convicted persons to register  
13 to vote does not permit such persons to register after pre-election registration deadlines.

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

10 (b) (1) Any person who has been convicted of a felony, treason, or bribery in an election,  
11 under either state or federal law, is disqualified from voting and ~~is not eligible~~ is ineligible to  
12 register or to continue to be registered to vote while serving his or her sentence, including any  
13 period of incarceration, probation, or parole related thereto. Any person who has been declared  
14 mentally incompetent by a court of competent jurisdiction is disqualified from voting and ~~shall not~~  
15 ~~be eligible~~ is ineligible to register or to continue to be registered to vote for as long as that disability  
16 continues.

17 (2) Renewed eligibility to register. — A person otherwise meeting the constitutional and  
18 statutory qualifications to vote, who is ineligible to register to vote because of a criminal conviction  
19 as provided in subdivision (1) of this subsection, is eligible and shall be permitted to register to  
20 vote upon any of the following events:

21 (A) The completion of his or her sentence, including any period of incarceration, probation,  
22 or parole related thereto;

23 (B) Issuance of an order from a court of competent jurisdiction to vacate or overturn all  
24 convictions rendering such person ineligible to register to vote; or

25 (C) Issuance of an order of pardon from the Governor for all convictions rendering such  
26 person ineligible to register to vote.

27 (3) Notice of renewed eligibility to register. — Upon the occurrence of an event described  
28 in subdivision (2) of this subsection:

29 (A) If a person is in the custody or under the supervision of the West Virginia Division of  
30 Corrections and Rehabilitation, the division shall provide such person, upon release or discharge  
31 from supervision, written notification that he or she is no longer ineligible to register to vote based  
32 on his or her conviction and a copy of a voter registration form.

33 (B) If a person is under the supervision of the Supreme Court of Appeals of West Virginia's  
34 Division of Probation Services, the probation officer shall provide such person, upon discharge,

35 written notification that he or she is no longer ineligible to register to vote based on his or her  
36 conviction and a copy of a voter registration form.

37 (4) Nothing in this subsection may be construed to permit a person to register to vote in  
38 an election after the close of voting registration before such election, as provided in §3-2-6 or  
39 §3-2-6a of this code, whichever is applicable.

NOTE: The purpose of this bill is to provide notice and an opportunity to persons convicted of certain crimes that they are eligible to vote when they are no longer under conviction.

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