

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

### **Introduced**

## **House Bill 4543**

BY DELEGATES GRAVES, LINVILLE, HAYNES, SKAFF,  
PACK, HORNBUCKLE, STORCH, PRITT, AND GARCIA

[Introduced February 03, 2022; Referred to the  
Committee on Select Committee on Jails and Prisons  
then the Judiciary]

1 A BILL to amend and reenact §3-2-2 of the Code of West Virginia, 1931, as amended, relating to  
2 formerly incarcerated individuals voting rights by eliminating restrictions to voting rights for  
3 once an individual is released from incarceration through probation, parole, or completion  
4 of a sentence.

*Be it enacted by the Legislature of West Virginia:*

### **ARTICLE 3. VOTING BY ABSENTEES.**

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

10 (b) Any person who has been convicted of a felony, treason or bribery in an election, under  
11 either state or federal law, is disqualified and is not eligible to register or to continue to be  
12 registered to vote while serving his or her sentence, including any period of incarceration.  
13 ~~probation or parole related thereto~~ Upon release from incarceration for that felony conviction  
14 either through pardon, parole, probation, or completion of sentence without further action required  
15 of him or her, shall be invested with the right to vote. Any person who has been declared mentally  
16 incompetent by a court of competent jurisdiction is disqualified and shall not be eligible to register  
17 or to continue to be registered to vote for as long as that disability continues.

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

release from incarceration in all circumstances.

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