

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute

for

Senate Bill 488

BY SENATORS HAMILTON, BROWN, CAPUTO, GRADY,

PLYMALE, ROMANO, STOVER, WOELFEL, BALDWIN,

LINDSAY, STOLLINGS, TAKUBO, AND BEACH

[Originating in the Committee on the Judiciary;

reported on February 17, 2022]

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 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 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) Any person who has been convicted of a felony, treason, or bribery in an election,
11 under 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 a sentence, including any period of incarceration.
13 ~~probation or parole related thereto~~ A person's right to register to vote is automatically restored
14 upon his or her release from incarceration for such felony conviction, whether or not the person
15 is on probation, parole, or supervised release. 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.