WEST VIRGINIA CODE: §3-3-1A

§3-3-1a. Definitions.

(a) For the purposes of this article, the following terms and phrases have the meanings ascribed to them.

(1) "Disability" means a physical or mental impairment that substantially limits one or more major life activities.

(2) "Federal election" means any general, special, or primary election held for the purpose of nominating or electing any candidate for President or Vice President of the United States, Presidential elector, United States Senate, or United States House of Representatives.

(3) "Overseas federal election voter" means any citizen of the United States who:

(A) Was born outside the United States;

(B) Is not a voter under subdivision (4), subsection (b) of this section or an "overseas state and federal voter" under subdivision (4) of this section;

(C) Would otherwise satisfy the state’s voter eligibility requirements, except for the West Virginia residency requirement, if the last place where the parent, legal guardian, or spouse of the voter was, or would have been eligible to register and vote before departure from the United States is within West Virginia; and

(D) Has not previously registered to vote elsewhere in the United States.

(4) "Overseas state and federal voter" means a citizen of the United States residing abroad who does not intend to return or whose intent to return is uncertain, and:

(A) Immediately prior to departure from the United States was domiciled in West Virginia; and

(i) Was registered to vote, or last eligible to register and vote, in West Virginia; or

(ii) Would have been eligible to register and vote in West Virginia except that the citizen had not reached 18 years of age, but has since reached 18 years of age; and

(iii) Is not registered or qualified to vote elsewhere in the United States;

(B) Holds a valid passport or passport card or other proof of citizenship issued under the authority of the Secretary of State of the United States; and

(C) Has not established permanent residency in any other state or country.

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(5) "Physical disability" means a physical impairment that substantially limits one or more major life activities and renders a person unable to vote in person, at the polls, without assistance.

(6) "State election" means any general, special, or primary election held for the purpose of:

(A) Nominating or electing a candidate as:

(i) Governor, Secretary of State, Attorney General, Treasurer, Auditor, or Commissioner of Agriculture; or

(ii) A member of the State Senate or the House of Delegates; or

(B) Approving or rejecting any amendment to the West Virginia Constitution.

(b) The amendments to this section enacted during the 2026 regular session of the Legislature are effective January 1, 2027.

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