Disclaimer: This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision-making.

Note: This FAQ is not exhaustive. Situations or inquiries may arise that are not answered below. In those circumstances, contact your hotline captain or command center for assistance. Please make sure to record all of the voter’s contact information should follow-up be necessary.

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1. **Am I registered to vote?**

Voter registration can be determined by checking the West Virginia Secretary of State's website ([https://services.sos.wv.gov/Elections/Voter/AmIRegisteredToVote](https://services.sos.wv.gov/Elections/Voter/AmIRegisteredToVote)).

2. **Where do I vote?**

Polling places can be determined by checking the West Virginia Secretary of State's website ([https://services.sos.wv.gov/Elections/Voter/FindMyPollingPlace](https://services.sos.wv.gov/Elections/Voter/FindMyPollingPlace)).

If a voter has moved recently and has not updated their voter registration, refer to Question #6.

3. **When do the polls open and close?**
Polling places must be open from 6:30 a.m. to 7:30 p.m. Eastern on election day.¹ Voters in line by 7:30 p.m. must be allowed to vote.²

4. **When is/was the voter registration deadline?**

The voter registration deadline is 21 days before the election or the first business day thereafter.³ For the primary election, voters must be registered by April 21, 2020. For the general election, voters must be registered by October 13, 2020. Voter registration applications must be received by the County Clerk or designated government agency, submitted online, or postmarked by close of business on these dates.⁴ (An exception exists for certain members of the military and their families. See Question #6.)

5. **Can I vote without providing identification?⁵**

Voters must present identification at the polling place in order to vote. Identification issued by the state of West Virginia, by one of its subsidiaries, or by the United States government are generally considered valid. Accepted identification includes:

- West Virginia license or identification card;
- Other state license or identification card;
- US passport or passport card;
- US or West Virginia state or local government employment ID with photo;
- High school ID card or higher education photo ID issued by a high school or institution of higher education in West Virginia;
- US military photo ID;
- Concealed carry permit with photo, issued by the sheriff of the county;
- Medicare card or Social Security card;
- Birth certificate;
- West Virginia voter registration card;
- West Virginia hunting or fishing license;
- West Virginia SNAP, TANF, or Medicaid ID;
- Bank or debit card;
- Utility bill or bank statement issued within 6 months of election; or
- Health insurance card.

Poll workers may allow voters without identification to vote if the poll worker has known the voter for more than 6 months, or if the voter is accompanied by an adult with an ID who is willing to sign an affidavit that they have known the voter for more than 6 months. Otherwise, voters may vote by provisional ballot after signing an affidavit affirming their identity. The provisional ballot will count if the voter was eligible to vote and their signature matches the signature on file with the election authority.

6. **I have moved and I didn’t update my voter registration, can I vote?**

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7. **What should I do if there are equipment problems at my precinct?**

Voters should immediately notify the election officers if the voting equipment breaks down while the polls are open. Replacement machines should be provided. If voters are permitted to vote by paper ballots or by provisional ballots if no machines are available, Provisional ballots should be used only as a last resort.

8. **I am a registered voter who is not on the rolls at the precinct where I currently am. Can I vote where I am?**

If a voter is found on the rolls of the polling place where the voter is attempting to vote, the precinct should call the County Clerk to make sure the voter is registered and is in the correct precinct.

If a voter is not found on the rolls of the polling place where the voter is attempting to vote, the precinct should call the County Clerk to make sure the voter is registered and is in the correct precinct.

If it is determined that the voter is registered and in the correct precinct, he or she will be able to vote a regular ballot. If the voter is in the wrong precinct, the poll worker should give the voter adequate information in order to direct the person to the proper voting place. The poll worker should also offer, and the voter may request, a provisional ballot.

If the poll worker says the voter is not eligible to vote at a particular precinct, but the voter believes he or she is eligible, that voter may cast a provisional ballot. However, if it is later determined that the voter was not registered in the county, then the provisional ballot will not count.

9. **My name isn’t popping up on the list of registered voters – could it have been removed?**

A voter’s name can be removed from the voter list if the voter has cancelled his or her registration or has become ineligible to vote. A voter can become ineligible by, for example, being under conviction of a felony (this includes the period of incarceration, parole, and probation following conviction) or being declared mentally incompetent by a court. A voter may also be removed from the voter rolls if he or she has moved, not updated his or her registration, and failed to vote in the prior two federal elections.

A voter whose name was removed from the voter registration list because of a determination of ineligibility but who later becomes eligible to vote must re-register. A voter whose registration is rejected for any reason (including ineligibility) may write his or her County Clerk to provide evidence that he or she is eligible and ask for reconsideration. If this fails, the voter can then appeal the clerk’s decision to the County Commission, then the county’s circuit court, then the Supreme Court of Appeals of West Virginia.

A voter who has not responded to confirmation notices sent by the County Clerk, and is on the inactive list, may show up at his or her polling place to vote but will be required to affirm his or her residence address under penalty of perjury before voting.

Note that one can take steps to help to determine why a voter’s name is not popping up on the list of registered voters:
• Check the voter’s registration status using the registration lookup tool to make sure he or she is registered to vote and at the right place. (See Question #1.)
• Has the voter moved recently? Could the voter be registered at an old address? Check that address in the registration lookup tool. (See Question #1 and Question #6.)
• Has the voter changed his or her name recently, or could he or she be registered under a different name? Check that name (and any variations of the voter’s name, especially for hyphenated names, which sometimes trip up databases) in the registration lookup tool. (See Question #1.)
• When/where did the voter register to vote? Was that before the deadline?

10. I have a criminal conviction. Can I vote?

If a voter has been convicted of a felony, the voter may not vote while he or she is still serving a term of incarceration, is released on parole, or is on probation. After all terms of incarceration, parole, and probation have been served, the voter may re-register.

If the voter has only a misdemeanor conviction, the voter may still vote if the voter meets the other requirements and registers in time.

11. I have been offered a provisional ballot. What should I do?

A voter should be offered a provisional ballot only when:

• The voter moved, within the county, from one precinct to another precinct and updated his or her address at the polling place on election day;
• The voter’s registration record is not available;
• The voter’s signature does not correspond with the signature next to the voter’s name in the registration record;
• The voter has not provided identification;
• The voter is handicapped and whose polling place is not accessible, and requested a transfer of registration to an accessible polling place within 30 days of election day;
• The voter requests assistance in voting, but is believed to not be qualified for assistance;
• The voter has been permitted to register to vote after the normal registration deadline;
• The registration record indicates another legal disqualification.

Other than for these reasons, the voter should be allowed to cast a regular ballot. A provisional ballot should be used only as a last resort. If the voter casts a provisional ballot, remind the voter to ask the poll worker whether any additional steps are needed to make sure the ballot is counted.

A voter can learn either that the provisional ballot was counted or the reason why it was not counted by calling the West Virginia Secretary of State’s Office toll free at 1-866-767-VOTE (1-866-767-8683).

12. I am a college student. Can I register to vote where I go to school?

Students may register to vote if they consider where they live for school to be their principal home and they intend to stay there for the time being (in other words, they plan to return to their school address after temporary absences like spring break or summer vacation). Students do not need to plan to live at their school address permanently or after graduation.

13. I am physically disabled and need assistance. Will my polling place be accessible?
By federal law, polling places are required to be accessible unless there is an emergency or no accessible location is available. If a voter is assigned to a polling place that is not accessible, he or she should send a written request to the County Clerk to transfer his or her registration to the nearest accessible polling place at least 30 days before the election. If the voter misses this deadline, the voter may still apply for a transfer, but will cast a provisional ballot at the new polling place that will be counted if the county commission determines that the original polling place was not accessible.

If a voter’s polling place is not accessible, he or she may also ask to vote absentee from his or her car as long as no one else is voting or waiting to vote in the polling place. These voters will be accompanied by a commissioner of elections from each political party.

To find contact information for a County Clerk, visit: https://sos.wv.gov/elections/Pages/CountyClerkDirectory.aspx.

14. I am blind, physically disabled, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

Yes. Any voter who needs assistance voting is entitled to have some person of their choice, other than the voter’s employer, an agent of the employer, an officer or agent of the voter’s union, or a candidate on the ballot, mark the voter’s choices or assist the voter in marking their choices on the ballot.

15. I don’t know how to use the voting equipment. Can I get help?

Upon request, voters will be given instruction on the use of voting machines. In addition, polling places should have written instructions as well as sample ballots and diagrams showing the screen as it will appear on the device.

16. Can I vote absentee or vote in person before election day?

Early voting in-person is permitted during regular business hours beginning the 13th day before the election through the third day before the election. For the upcoming primary election, that period will be from April 29 to May 9, 2020. For the upcoming general election, that period will be from October 21 through October 31. Early in-person voting is also available from 9:00 a.m. to 5:00 p.m. on Saturdays during the early voting period.

In addition, voters may vote absentee if they have a valid excuse under state law. A voter can vote absentee if he or she:

- Is confined to a particular location and cannot vote in person during the period of in-person voting due to illness, injury, disability, immobility due to old age, home detention, or incarceration (except for felonies and certain other violations);
- Is absent from the county during the voting period due to personal or business travel, attendance at college or other place of education or training, or if they cannot vote in person because the work hours and distance from the county seat make voting in person impossible;
- Has a work assignment that requires the voter to temporarily live outside of the voter’s county (four years or less);
- Is disabled and the assigned polling place and the designated absentee voting area at the county courthouse are not accessible;
- Is participating in the Address Confidentiality Program;
• Is serving as an elected or appointed state or federal official which requires the voter to temporarily live outside of the voter’s county; or
• Is absent from the county during the voting period and is an absent uniformed services voter or overseas voter, including members of the armed services on active duty and their spouses and dependents, and persons who live outside the U.S. and are qualified to vote in the U.S.

Voters seeking to vote absentee must fill out an application. Applications will be received no earlier than January 1st of an election year or 84 days before the election date, whichever is earlier, and no later than the 6th day before the election date.34 For the upcoming primary election, applications must be received by May 6, 2020. For the upcoming general election, applications must be received by October 28, 2020. You can download an application to vote absentee here: https://sos.wv.gov/FormSearch/Elections/Voter/Absentee%20Ballot%20Application.pdf.

Mailed ballots should be postmarked by election day and received by the start of canvass (five days after the election, excluding Sundays).35 For the primary election, this date is May 18, 2020. For the general election, this date is November 9, 2020. Hand-delivered ballots must be received by the day before election day.36

Permanent absentee ballot: Certain voters are eligible to be placed on the permanent absentee voter list. Voters who participate in the West Virginia Secretary of State’s Address Confidentiality Program, or who have a permanent, physical disability that prevents them from going to the polling place, can apply for permanent absentee voter status by filling out an application available on the Secretary of State’s website at: https://sos.wv.gov/FormSearch/Elections/Voter/Special%20Absentee%20List%20Form.pdf. As with general requests for absentee ballots, applications must be received no later than the 6th day before the election date (May 6, 2020 for the primary and October 28, 2020 for the general election).37 Permanent absentee voters will receive absentee ballots until they submit a request to be taken off the permanent absentee ballot voter list.38

Emergency absentee ballots: Eligible voters may apply for an emergency absentee ballot between the seventh day preceding the election and no later than noon on the date of the election. For the upcoming primary elections, applications must be received between May 5, 2020 and noon on May 12, 2020. For the upcoming general election, applications must be received between October 27, 2020 and noon on November 3, 2020.39 An application for an emergency absentee ballot is available here: https://sos.wv.gov/FormSearch/Elections/Voter/Application%20for%20Voting%20an%20Emergency%20Absent%20Voter%20s%20Ballot.pdf. Immediate family members may request an emergency absentee ballot on the voter’s behalf.40 Two election officials will deliver the ballot.41 Emergency absentee ballot requests are granted to any voter who:42

• Is confined or expects to be confined in a hospital or other duly licensed health care facility within the county of residence or other authorized area on the day of the election;
• Is working as a replacement poll worker and is assigned to a precinct out of their voting district, if the assignment was made after the period for voting an absentee ballot in person has expired.

Some counties also allow emergency absentee voting in the following situations:43

• You become confined, on or after the seventh day preceding an election to a specific location within the county because of illness, injury, physical disability, immobility due to advanced age, or another medical reason;
• You reside in a nursing home within your county, and you have resided there less than thirty days; or
• You become confined on or after the seventh day before an election to a specific location within your county due to illness, injury, physical disability, immobility due to advanced age, or another medical reason.

Military and Overseas Voters: Military and overseas voters may obtain absentee ballots, but there are also special provisions for members of the U.S. Armed Forces and merchant marine, commissioned corps of the Public Health Service and National Oceanic and Atmospheric Administration, along with family members of all these groups, and other citizens who reside outside the United States (together these groups are called UOCAVA voters).

UOCAVA voters can also use the Federal Post Card Application (FPCA) to register to vote and to request an absentee ballot at: https://www.fvap.gov/west-virginia. Ballots must be returned by mail, email or fax to the county clerk’s office. For the upcoming primary election, mailed ballots must be received no later than. For the upcoming general election, mailed ballots must be received no later than November 9, 2020. Ballots returned by email or fax must be received by 7:30 p.m. on the date of the election (May 12, 2020 and November 3, 2020.44

The Federal Write-In Absentee Ballot (FWAB) (federal form SF 186) serves as an emergency backup ballot that UOCAVA voters may use if they do not receive their absentee ballots from the state in time to return them to their election officials.45 Uniformed Service UOCAVA voters, and their dependents and spouses, may use the FWAB whether they are located inside or outside the United States (including APO and FPO addresses), provided that they are away from their voting residence for service-related activities.46

17. What if I requested an absentee ballot but I want to vote in person on election day?

Voters who have received absentee ballots may vote in person on election day if they return their unused absentee ballots to the election commissioners at the polling place.47

18. Does my state have same day registration? If so, what is the process?

West Virginia does not have same-day registration. To vote in the next election, you must register at least 21 days before the date of the election.48

19. What rules apply to people campaigning or "hanging around" my polling place? Can people approach me?

Individuals are prohibited from electioneering within 100 feet of the polling place. Electioneering includes the display or distribution of campaign paraphernalia, or the solicitations of votes or signatures.49

20. Someone is formally challenging my right to vote. What do I do?

Voters whose registration has been challenged at the county clerk's office must present evidence of eligibility within thirty days of the mailing of the notice of challenge.50 If a voter is challenged at the polls, the poll worker will make a notation of the challenge and the challenger's name on the registration record.51 Voters challenged by poll workers must vote a provisional ballot. At the time the individual
casts a provisional ballot, the clerk is required to give the voter written information on how to determine whether that person’s vote was counted (and if not, the reason why the vote was not counted). The validity of the vote will be determined at the time of canvass.\textsuperscript{52}

\textbf{21. Can I vote in the primary election?}

West Virginia operates a semi-closed primary system. This means that a voter registered with one of the four parties recognized by the State of West Virginia (Democratic, Libertarian, Mountain, or Republican) can only vote in their party’s primary or can request a non-partisan ballot. A voter registered with any other party or with no party can participate in any party primary they choose. A voter may change their party registration at any time by updating their voter registration through the mechanisms described in response to Question #4. However, for the updated registration to apply to the upcoming primary election, any change must be made at least 21 days before the election (April 20, 2020).\textsuperscript{53}

\begin{itemize}
\item 1 W. Va. Code § 3-1-31.
\item 3 W. Va. Code § 3-2-6(a).
\item 4 https://sos.wv.gov/elections/Pages/FAQs.aspx.
\item 5 W. Va. Code § 3-1-34.
\item 6 W. Va. Code § 3-2-31(b).
\item 7 W. Va. Code § 3-2-31(c).
\item 9 W. Va. Code § 3-4A-18.
\item 11 W. Va. Code § 3-1-41(e).
\item 12 W. Va. Code § 3-1-3;
\item 13 W. Va. Code § 3-2-4a(e)(1).
\item 14 W. Va. Code § 3-2-17.
\item 15 W. Va. Code § 3-2-31(d).
\item 16 W. Va. Code §§ 3-1-3; 3-2-2(b).
\item 18 W. Va. Code § 3-2-31(c).
\item 19 W. Va. Code § 3-1-41.
\item 20 Id.
\item 21 Id.
\item 22 W. Va. Code § 3-1-34(b).
\item 23 W. Va. Code § 3-1-34(e)(3).
\item 24 W. Va. Code § 3-2-6a.
\item 25 W. Va. Code § 3-1-41.
\item 27 W. Va. Code § 3-1-34(b); see also https://sos.wv.gov/FormSearch/Elections/Administrators/West%20Virginia%20Voters%20with%20Disabilities.pdf.
\item 28 52 U.S.C. § 20102.
\item 29 W. Va. Code § 3-1-34(e)(1)(D).
\item 30 W. Va. Code § 3-1-34(e).
\item 31 W. Va. Code § 3-4A-15(a).
\item 32 W. Va. Code § 3-3-3.
\item 33 W. Va. Code § 3-3-1.
\item 34 W. Va. Code § 3-3-5(b).
\end{itemize}
35  
36 W. Va. Code § 3-3-5(k).
37 W. Va. Code § 3-3-5(b).
38 W. Va. Code § 3-3-2b.
39 W. Va. Code § 3-3-5c(d).
40 Id.
41 W. Va. Code § 3-3-5c(g).
42 W. Va. Code § 3-3-1(c).
44 W. Va. Code §§ 3-3-5(h), (i); https://www.fvap.gov/guide/chapter2/west-virginia.
48 W. Va. Code § 3-2-6(a).
51 W. Va. Code § 3-1-34(d).
52 W. Va. Code § 3-1-41.