LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

ELECTION PROTECTION 866 OUR VOTE

Frequently Asked Questions

West Virginia – General Election 2022

Last Updated: September 20, 2022

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.

REGISTERING TO VOTE | ELECTION DAY | EARLY VOTE | VOTE BY MAIL

ABSENTEE | POLLING PLACE ISSUES | ACCESSIBILITY / ASSISTANCE | QUESTIONS

Table of Contents

REGISTERING TO VOTE

1. **ELIGIBILITY:** Can I register to vote?
2. **GENERAL ELECTION:** Can I vote in the general election? Do I have to be a member of a party to vote in the general election?
3. **STATUS:** Am I registered to vote?
4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?
5. **IDENTIFICATION:** What ID is required to register to vote?
6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?
7. **SAME DAY:** Does my state have Same Day Registration? If so, what is the process?
8. **PERMANENT MOVE:** I have moved permanently and I didn't update my voter registration, can I vote?
9. **TEMPORARY MOVE:** I have moved temporarily. How can I vote?
10. **STUDENT:** I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?
11. **LIVING ABROAD:** I am living abroad and/or serving in the military. How can I register and/or vote?

12. **CRIMINAL CONVICTION:** I have a criminal conviction. Can I register to vote?
13. **INCARCERATED:** I am currently incarcerated. Can I register to vote?

HOW TO VOTE: ELECTION DAY

14. **HOURS:** When do the polls open/close on Election Day?
15. **POLLING LOCATION:** Where do I vote on Election Day?
16. **CLOSING:** What if the polls close when I am already in line?
17. **IDENTIFICATION:** What identification is required to vote?
18. **NO IDENTIFICATION:** Can I vote without providing identification?
19. **NOT ON ROLLS AT MY POLLING PLACE:** I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?
20. **PROVISIONAL BALLOT:** If I don't have an ID, can I request a provisional ballot? My name is not on the rolls at my polling place, can I request a provisional ballot?

HOW TO VOTE: EARLY VOTING (in some states called "in-person absentee")

21. **AVAILABILITY:** Is there early voting in my state (whether called early voting or in-person absentee voting)?
22. **ELIGIBILITY:** Do I have to have a reason to vote early?
23. **WHEN:** When does early voting begin/end?
24. **WHERE:** Where do I vote during early voting?
25. **IDENTIFICATION:** What identification is required for early voting? What if I don't have an ID?

HOW TO VOTE: VOTE BY MAIL

26. **AUTOMATIC MAIL BALLOT:** Will I automatically be sent a ballot in the mail?
27. **ELIGIBILITY:** Do I need a specific reason to vote by mail?
28. **APPLICATION DEADLINE:** What is the deadline for requesting a mail-in ballot?
29. **APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?
30. **IDENTIFICATION:** Are there identification requirements when I return my absentee ballot application and/or ballot?
31. **RECEIVING MAIL BALLOT:** Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?
32. **MISSED THE APPLICATION DEADLINE:** What if I have not requested a mail-in ballot by the deadline?
33. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or ballot?
34. **APPLICATION OR BALLOT REJECTED:** I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?
35. **COMPLETING BALLOT:** How do I complete the mail-in ballot?
36. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me in filling out my ballot?
37. **DEADLINE TO RETURN BALLOT:** What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?
38. **BALLOT DROP OF LOCATIONS:** What are the locations for dropping off a ballot (instead of mailing it)?
39. **ASSISTANCE DROPPING OFF BALLOT:** Can someone else drop off my completed ballot for me?
40. **LOST OR SPOILED BALLOT:** What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?

41. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?
42. **IN PERSON OPTION:** What if I requested or received a mail-in ballot but I want to vote in person on Election Day?

HOW TO VOTE: ABSENTEE

43. **ELIGIBILITY:** Am I eligible to request an absentee ballot?
44. **APPLICATION DEADLINE:** What is the deadline for requesting an absentee ballot?
45. **IDENTIFICATION:** Are there any identification requirements?
46. **EMERGENCY:** Is there an emergency absentee ballot? If so, am I eligible?
47. **APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?
48. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?
49. **APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?
50. **COMPLETING BALLOT:** How do I complete the absentee ballot?
51. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me filling out the ballot?
52. **BALLOT DEADLINES:** What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?
53. **BALLOT DROP OF LOCATIONS:** Where can I drop off a ballot (instead of mailing it)?
54. **ASSISTANCE DROPPING OFF:** Can someone else drop off my completed ballot for me?
55. **LOST OR SPOILED:** What if I lost my absentee ballot or it is spoiled or I received an incorrect one?
56. **NON-RECEIPT OF BALLOT:** What if I requested an absentee ballot but have not received it?
57. **IN PERSON OPTION:** What if I requested an absentee ballot but I want to vote in person on Election Day?
58. **IN PERSON ABSENTEE:** Where do I vote in-person absentee? When can I do this?

POLLING PLACE ISSUES

59. **POLLING PLACE NOT OPEN:** The polling place is not open. What should I do?
60. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?
61. **EQUIPMENT FAILURE:** What should I do if there are equipment problems at my precinct?
62. **EQUIPMENT ASSISTANCE:** I don't know how to use the voting equipment. Can I get help?
63. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA-compliant? Does my voting location have an accessible voting system?
64. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?
65. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? Can people approach me?
66. **CHALLENGE:** Someone is formally challenging my vote. What should I do?
67. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?
68. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?
69. **PROVISIONAL BALLOT:** I have been offered a provisional ballot. What should I do?

Return to Table of Contents

ACCESSIBILITY/ASSISTANCE

70. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?
71. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?
72. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

QUESTIONS

73. **QUESTIONS:** Who should I contact if I have questions about any of the above?

REGISTERING TO VOTE

1. **ELIGIBILITY:** Can I register to vote?

   Voters can register to vote for the general election online, by mail, or in person. The general election voter registration deadline is October 18, 2022. Voters must be 17 years old and 18 before the next general election, a natural born or naturalized citizen of the United States, and cannot be serving a sentence, including any period of incarceration, parole and probation following a conviction for either (1) a felony, (2) treason, or (3) bribery in an election.

2. **GENERAL ELECTION:** Can I vote in the general election? Do I have to be a member of a party to vote in the general election?

   Voters do not have to be a member of a party to vote in the general election. All registered voters receive the same ballot and have the chance to vote for candidates from all political parties.

3. **STATUS:** Am I registered to vote?

   Voter registration can be determined by checking the West Virginia Secretary of State's website in the "Am I Registered To Vote" section. The voter's first and last names and date of birth are needed to check voter registration.

4. **HOW:** How do I register to vote? Can I register online? Do I need a printer? Can I register to vote in person?

   Voters can register online, by mail, or in person.

   Registering Online

   Voters can register to vote online at the West Virginia Voter Registration Website.

   To register to vote or update their voter registration online, click on the green "Register to Vote / Update My Registration Online" box. Note: the voter must provide the following information:

- The voter's first and last names as they appear on their West Virginia driver's license or ID card
- The voter's date of birth
- The voter's West Virginia driver's license or ID card number
- The voter's last four digits of their Social Security Number

If the voter is not able to provide all of the above information, the voter can enter their information online to be auto-filled in a voter registration application. Click on the green "Fill Out Application Online to Mail." Once the voter has created their application online, the voter must print, sign and deliver it to their county clerk by mail or in person. A directory of West Virginia county clerks is available here: https://sos.wv.gov/elections/Pages/CountyClerkDirectory.aspx.

If the voter prefers to complete their voter registration form by hand, a downloadable blank voter registration form can be mailed or delivered in-person to their county clerk or the Secretary of State's Office.

Registering by Mail (without computer/printer access)

If the voter does not have access to a computer and printer, they may register to vote by mail by calling their County Clerk to request an application be mailed to them and returning the completed application by mail or in person to their county clerk or the Secretary of State's Office.

Registering In Person

The voter may register to vote in person at any of the following locations:

- The voter's county clerk's office
- The Secretary of State's Office
- The Division of Motor Vehicles (DMV)
- Public assistance offices
- Agencies who serve people with disabilities
- Marriage license offices
- Military recruiting agencies

5. **IDENTIFICATION:** What ID is required to register to vote?

If the voter is registering to vote for the first time in West Virginia or their county, and they have not voted in a federal election in West Virginia, they must show a valid ID with their application the first time they vote. If the voter mails their application, they must send a copy of a valid ID.

WV accepts the following documents as valid forms of identification, assuming that they show the voter's current name and address:

- Valid photo identification
- Utility bill
- Bank statement
- Government check
- Paycheck
- Any other official government document

6. **DEADLINES:** When is/was the voter registration deadline? Are there different deadlines whether I register by mail, in-person, online or on Election Day?

   The voter registration deadline for the general election is 21 days before the general election. For the November 8, 2022 general election, that date is October 18, 2022. The deadline is the same whether registering by mail, in-person or online. Mail must be postmarked 21 days before Election Day. WV does not permit same day registration (i.e. the voter cannot register to vote and vote on Election Day).

7. **SAME DAY:** Does my state have Same Day Registration? If so, what is the process?

No, West Virginia does not have same day registration.

8. **PERMANENT MOVE:** I have moved permanently and I didn't update my voter registration, can I vote?

   The answer to this question depends on whether the voter moved within the same county/election jurisdiction or moved to a new county. Refer to the table below.

Moved within the same precinct	**Moved to a different precinct but within the same county**	**Moved to a different county**	**Moved from a different state**
Because the polling place will be the same for the new and old address, voters should go to that polling place and complete a change of address form. They will be able to cast a regular ballot.[1]	Voters who have moved to a new precinct within the county should go to the polling place for their new address and complete a change of address form. They will be able to cast a challenged or provisional ballot, which will be counted if the voter is found in the county's registration records during the canvass.[2]	Voters who have moved to a new county must change their registration before the registration deadline for that election. It is not clear whether the voter would be permitted to cast a provisional ballot, but the ballot would likely not be counted.[3]	Voters moving into West Virginia from another state after the voter registration deadline may not vote on Election Day in West Virginia, but should contact state election officials in the state where they moved from, to see if they can vote in their former state for president and vice president if applicable.

9. **TEMPORARY MOVE:** I have moved temporarily. How can I vote?

   A temporary move does not affect the voter's polling places and does not require an updated voter registration unless their primary residence has changed. If the voter intends to return to the original residence, that is still their primary residence.

   The voter may vote at the polling places permitted by their primary residence. Polling places can be found on West Virginia Secretary of State's website: "Find My Polling Place". The voter's first and last names and date of birth are needed to find the voter's polling place. Please see: "HOW TO VOTE:

[1] W. Va. Code § 3-2-31(b).
[2] W. Va. Code § 3-2-31(c).
[3] https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf; *see also* W. Va. Code § 3-2-2(a).

ABSENTEE AND/OR VOTE BY MAIL" below for additional information on voting absentee or by mail options.

If the voter's primary residence has changed permanently, please follow the steps outlined in question #4 above to submit updated voter registration in advance or refer to question #8 for how to vote following a permanent move.

10. **STUDENT:** I am a college student. Can I register to vote where I go to school? What if I am taking classes remotely? Where can I vote?

Students may register to vote in WV if they consider their WV residence where they live to attend school to be their primary residence. Their primary residence is the place that they live in and where they intend to stay for the time being (in other words, they plan to return to their WV school address after temporary absences like spring break or summer vacation).[4] Students do not need to plan to live at their WV school address permanently or after graduation.

Whether a student is taking classes remotely does not affect their ability to register to vote unless their primary residence has changed. If the student's primary residence has changed, the student must update their voter registration by the voter registration deadline to vote on Election Day as outlined in question #4.

The student may vote at the polling places permitted by their primary residence. Polling places can be found on West Virginia Secretary of State's website: "Find My Polling Place". The student's full name and date of birth is needed to find the student's polling place. Please see: "HOW TO VOTE: ABSENTEE AND/OR VOTE BY MAIL" below for additional information on voting absentee or by mail options.

All voters may only be registered and vote in one location.

11. **LIVING ABROAD:** I am living abroad and/or serving in the military. How can I register and/or vote?

Active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members and U.S. citizens residing outside the United States are covered by the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA").

UOCAVA voters can use the Federal Post Card Application ("FPCA") to register to vote and request an absentee ballot. This form is also used to update the voter's contact information. Note that the voter must complete a new FPCA each year and every time their address changes.

To complete the FPCA, the voter should navigate to the Federal Voting Assistance Program website. Click on the red "Start the FPCA" button. The voter will need to provide the following information to complete the FPCA:

- Current name
- Date of birth
- West Virginia-issued ID number **or** the last four digits of the voter's Social Security Number
- Street address of the voter's voting residence in West Virginia. The voter cannot use a post office box mailing address.

[4] *Symm v. U.S.*, 439 U.S. 1105, 1105 (1979); *State v. Stalnaker*, 412 S.E.2d 231, 233 (W. Va. 1991).

- The voter's contact information (not required but strongly recommended)

The voter can submit the FPCA by mail, email or fax. Contact information can be found in the "Local Election Offices" section at FVAP.gov. The FPCA must be **received by October 18, 2022** to register to vote and **by November 2, 2022** to request a ballot.

Mail the FPCA: Once the FPCA is complete, sign and date the form. Mail the FPCA directly to the voter's election official.

Email the FPCA: Once the FPCA is complete, sign and date the form. Scan the signed FPCA into the voter's computer. Be sure to also include the "Transmission Cover Sheet". Email this package directly to the voter's election official.

Fax the FPCA: Once the FPCA is complete, sign and date the form. Fax the FPCA directly to the voter's election official. Be sure to also include the "Transmission Cover Sheet" and fax to: (703) 693-5527, DSN 223-5527 or toll-free from the U.S., Canada, Guam, Puerto Rico and the Virgin Islands to 1-800-368-8683. If the voter needs to send their election materials to their election official by fax, but does not have access to a fax machine, the voter can email them to fax@fvap.gov and FVAP will fax their election materials for them. This service is fax only.

To find out the status of your FPCA, the voter should contact their election official. Their election official will contact the voter if their FPCA is not accepted.

Once the voter receives their absentee ballot it must be returned by the following dates:

- If returned by email or fax, the ballot must be **received by November 8, 2022**
- If returned by mail, the ballot must be **received by November 14, 2022**.

If UOCAVA voters have not received an absentee ballot 30 days before the election, they should complete and submit the Federal Write-In Absentee Ballot (FWAB) to ensure their vote is received in time to be counted. Click on the red "Start your backup ballot" button to complete the FWAB.

The voter can submit the FWAB by mail, email or fax. Contact information can be found in the "Local Election Offices" section at FVAP.gov.

Mail the FWAB: Once the FWAB is complete, sign and date the "Voter Information" page. Fold along the dotted line and seal the completed "Official Backup Ballot", do not write on the "Official Ballot" envelope. Insert the sealed "Official Ballot" envelope and the "Voter Information" page into the mailing envelope and mail the FWAB directly to the voter's election official. Overseas Uniformed Service members can request to have the Prepaid Mail Label 11-DoD applied to the general election ballot. Additional information about this label can be found online at FVAP.gov.

Email the FWAB: Once the FWAB is complete, sign and date the "Voter Information" page. Scan the signed "Voter Information" page, the "Official Backup Ballot" and the "Transmission Cover Sheet" into the voter's computer. Be sure to also sign the secrecy waiver on the "Transmission Cover Sheet". Email this ballot package directly to the voter's election official.

Fax the FWAB: Once the FWAB is complete, sign and date the "Voter Information" page. Fax the signed "Voter Information" page, the "Official Backup Ballot" and the "Transmission Cover Sheet" directly to the voter's election official. Be sure to also sign the secrecy waiver on the "Transmission

Cover Sheet". The voter may use the DoD Fax Service to fax their FWAB toll-free if they do not have access to a fax machine to fax their election official directly. Instructions for the DoD Fax Service are online at FVAP.gov.

12. **CRIMINAL CONVICTION:** I have a criminal conviction. Can I register to vote?

If a voter has been convicted of a felony, treason, or bribery in an election, the voter may not register to vote or cast a ballot while they are still serving a sentence, including any period of incarceration, parole or probation.[5] **After all terms of incarceration, parole, and probation have been served, the voter may re-register to vote and participate in the next election**.[6] The voter's registration is not automatically renewed after the sentence is completed.

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

13. **INCARCERATED:** I am currently incarcerated. Can I register to vote?

If the voter is incarcerated while awaiting trial for any charge, they can vote as long as they have not lost their right to vote due to a prior conviction. The voter should check their voter registration status, register to vote if necessary, and request an absentee ballot from office administrators at their complex.

A person convicted of a felony, treason, or bribery in an election may not vote while they are incarcerated (and under any sentence of parole or probation).[7] **After all terms of incarceration, parole, and probation have been served, the voter may re-register to vote and participate in the next election**.[8] The voter's registration is not automatically renewed after the sentence is completed.

A person incarcerated for a misdemeanor conviction can vote as long as they have not lost their right to vote due to a prior conviction. The voter should check their voter registration status, register to vote if necessary and request an absentee ballot from office administrators at their complex.[9]

HOW TO VOTE: ELECTION DAY

14. **HOURS:** When do the polls open/close on Election Day?

Polling places must be open from 6:30 a.m. to 7:30 p.m. EST on election day.[10] Voters in line by 7:30 p.m. must be allowed to vote.[11]

---

[5] W. Va. Code §§ 3-1-3; 3-2-2(b).
[6] https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf; https://sos.wv.gov/FormSearch/Elections/Voter/Felon%20Voting%20Rights.pdf .
[7] W. Va. Code §§ 3-1-3; 3-2-2(b).
[8] https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf; https://sos.wv.gov/FormSearch/Elections/Voter/Felon%20Voting%20Rights.pdf .
[9] https://sos.wv.gov/FormSearch/Elections/Voter/Felon%20Voting%20Rights.pdf
[10] W. Va. Code § 3-1-31.
[11] W. Va. Code § 3-1-32; https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf.

Note to hotline volunteer: If you learn that a polling place prohibits those who were in line by the time the polls closed from voting, advise voters to stay at the polling location and contact your hotline captain immediately.

15. **POLLING LOCATION:** Where do I vote on Election Day?

Polling places can be determined by checking the West Virginia Secretary of State's website: "Search My Registration / Polling Place".

If a voter has moved recently and has not updated their voter registration, refer to Questions #8 and 9.

16. **CLOSING:** What if the polls close when I am already in line?

Voters in line by 7:30 p.m. must be allowed to vote.[12]

17. **IDENTIFICATION:** What identification is required to vote?

Voters must present identification at the polling place in order to vote on Election Day unless they fall under an exception described below. All forms of ID must be valid and not expired. 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[13]

- West Virginia driver's license or identification card;
- Other state driver's 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;
- Health insurance card; or
- Any document issued by West Virginia or US government that displays the voter's name

Exceptions[14]

[12] W. Va. Code § 3-1-32; https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf.
[13] https://sos.wv.gov/elections/Pages/BeReg.aspx.
[14] *Id*.

1. A voter does not have to show an ID to vote if the voter is accompanied by an adult who: Has known the voter for at least 6 months; Shows a photo ID with their name and address; and Signs an affidavit at the polling place confirming the voter's identity.

2. A voter does not have to show ID to vote if a poll worker has known the voter for at least 6 months. No additional affidavit or ID is required.

3. Residents of licensed WV state care facilities do not have to show ID to vote if: The voter is a resident of the care facility; The care facility is a polling place; and The resident's polling place is located at the care facility.

If a voter shows up to vote without an ID and does not fall under any of the above exemptions, the voter may vote by provisional ballot. The provisional ballot will count if the voter was eligible to vote and their signature matches the signature on file with the election authority.

First-Time Voters[15]

Voters who are voting for the first time in West Virginia or their county and who have not voted in a federal election in West Virginia must show a valid ID with their voter registration application or the first time they vote. Only the following documents that show the voter's current name and address will be accepted:

- Valid photo identification;
- Utility bill;
- Bank statement;
- Government check;
- Paycheck;
- Any other official government document.

Voters who do not have ID while voting may cast provisional ballots. 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).

18. **NO IDENTIFICATION:** Can I vote without providing identification?

Voters who do not provide identification can cast a provisional ballot. The provisional ballot signature is compared to the voter's registration signature. If the signatures match, the vote should count.[16]

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).

19. **NOT ON ROLLS AT MY POLLING PLACE:** I am at my polling place but am not showing up on the voter registration roll. Can I vote where I am?

[15] *Id*.
[16] https://sos.wv.gov/elections/Pages/BeReg.aspx.

If a voter is not found on the rolls of the polling place where the voter is attempting to vote, the voter should ask the precinct to 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 they are 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.[17]

20. **PROVISIONAL BALLOT:** If I don't have an ID, can I request a provisional ballot? My name is not on the rolls at my polling place, can I request a provisional ballot?

    Voters who do not have an identification document may cast a provisional ballot. The signature on the provisional ballot is then compared to the voter's registration signature. If the signatures match, the vote should count.

    Voters whose name is not on the rolls at their polling place, but the voter believes they are eligible to vote at such a location 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.[18]

HOW TO VOTE: EARLY VOTING

(in some states called "in-person absentee")

21. **AVAILABILITY:** Is there early voting in my state (whether called early voting or in person absentee voting)?

    Yes, early voting in West Virginia begins October 26, 2022 and ends November 5, 2022 at the county courthouse, judicial annex, or designated voting location. Voting takes place during the location's normal business hours, Monday through Friday. Voters should call their county clerk to confirm early voting hours. Early voting is also held the last two Saturdays before the General Election (October 29, 2022 and November 5, 2022) between 9AM and 5PM.[19]

22. **ELIGIBILITY:** Do I have to have a reason to vote early?

    No, all voters who are eligible to vote in the General Election can vote during the early voting period.

23. **WHEN:** When does early voting begin/end?

[17] W. Va. Code § 3-1-41(e).
[18] W. Va. Code § 3-1-41(e).
[19] https://sos.wv.gov/elections/Pages/GoVoteWV.aspx.

Early voting begins on October 26, 2022 and ends on November 5, 2022. Early voting is held during normal business hours, Monday through Friday. Voters should call their county clerk to confirm early voting hours. Early voting is also held the last two Saturdays before the General Election (i.e. October 29, 2022 and November 5, 2022) between 9AM and 5PM.[20]

24. **WHERE:** Where do I vote during early voting?

Early voting is held at the county courthouse, judicial annex or designated voting location. Some counties offer additional locations for early voting. These locations will be announced by the county at least 30 days prior to the election.[21]

The voter should check with their county clerk for additional early voting locations by contacting the county clerk's office.

25. **IDENTIFICATION:** What identification is required for early voting? What if I don't have an ID?

In-person early voters must present identification at the polling place in order to vote unless they fall under an exception described below. All forms of ID must be valid and not expired. 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[22]

- West Virginia driver's license or identification card;
- Other state driver's 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;
- Health insurance card; or
- Any document issued by West Virginia or US government that displays the voter's name

Exceptions[23]

[20] https://sos.wv.gov/elections/Pages/GoVoteWV.aspx.
[21] W. Va. Code § 3-3-2a.
[22] https://sos.wv.gov/elections/Pages/BeReg.aspx.
[23] *Id.*

1. A voter does not have to show an ID to vote if the voter is accompanied by an adult who: Has known the voter for at least 6 months; Shows a photo ID with their name and address; and Signs an affidavit at the polling place confirming the voter's identity.

2. A voter does not have to show ID to vote if a poll worker has known the voter for at least 6 months. No additional affidavit or ID is required.

3. Residents of licensed WV state care facilities do not have to show ID to vote if: The voter is a resident of the care facility; The care facility is a polling place; and The resident's polling place is located at the care facility.

If a voter shows up to vote without an ID and does not fall under any of the above exemptions, the voter may vote by provisional ballot. The provisional ballot will count if the voter was eligible to vote and their signature matches the signature on file with the election authority.

First-Time Voters[24]

Early voters who are voting for the first time in West Virginia or their county and who have not voted in a federal election in West Virginia must show a valid ID with their voter registration application or the first time they vote. Only the following documents that show the voter's current name and address will be accepted:

- Valid photo identification;
- Utility bill;
- Bank statement;
- Government check;
- Paycheck;
- Any other official government document.

HOW TO VOTE: VOTE BY MAIL

26. **AUTOMATIC MAIL BALLOT:** Will I automatically be sent a ballot in the mail?

No, voters must request an absentee ballot by November 2, 2022.[25] Ballot applications will NOT be mailed automatically to all voters for the General Election.

The voter may download an Absentee Ballot Application to request an absentee ballot and mail, fax, email or return it by hand to their county clerk. The voter may also call their County Clerk to have an Absentee Ballot Application be mailed to them. See question 29 below for additional information on returning the Absentee Ballot Application.

27. **ELIGIBILITY:** Do I need a specific reason to vote by mail?

[24] *Id.*
[25] https://sos.wv.gov/elections/Pages/GoVoteWV.aspx.

Generally, the voter must meet one of the following eligibility requirements to vote an absentee ballot by mail:[26]

- Illness, injury or other medical reason (includes confinement due to COVID-19*)
- Disability or advanced age
- Incarceration or home detention (does not include individuals convicted of any felony, treason, or election bribery)
- Work hours and distance from county seat
- Inaccessible early voting site and polling place
- Personal or business travel**
- Attendance at college or other place of education or training**
- Temporary residence outside of the county**
- Service as an elected or appointed state or federal official**

* the law provides that if a voter is confined to their home or health facility due to medical reasons, for example, following COVID-19 CDC guidance on pre existing conditions, displaying COVID-19 virus symptoms, exposure to a COVID19 positive individual, or personal quarantine for a medical reason, the voter is eligible under a medical excuse to vote absentee by mail.

** the voter must receive a ballot at an address outside of the county.

UOCAVA Voters: Active members of the Uniformed Services, the Merchant Marine, and the commissioned corps of the Public Health Service and the National Oceanic and Atmospheric Administration, their eligible family members and U.S. citizens residing outside the United States are covered by the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") and may vote absentee. Please see question 9 for additional information on UOCAVA voters.

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. As with general requests for absentee ballots, applications must be received no later than November 2, 2022.[27] Permanent absentee voters will receive absentee ballots until they submit a request to be taken off the permanent absentee ballot voter list.[28]

28. **APPLICATION DEADLINE:** What is the deadline for requesting a mail-in ballot?

The deadline for requesting a mail-in ballot is November 2, 2022.

29. **APPLICATION RETURN:** How do I submit my mail-in ballot application? Can someone return it for me? Does it have to be postmarked by a specific date?

The absentee ballot application must be received in the voter's county clerk's office by November 2, 2022. Applications may be submitted to the voter's county clerk via fax, U.S. mail, email, or in-person by hand delivery.

[26] https://sos.wv.gov/FormSearch/Elections/Informational/Absentee%20Voting%20Eligibility%20Summary.pdf.
[27] W. Va. Code § 3-3-5(b).
[28] W. Va. Code § 3-3-2b.

For hand-delivery, absentee ballots must be delivered to the County Clerk's office by the day before Election Day. Voters do not have to personally return their absentee ballot. A person may not deliver more than two voters' absentee ballots.[29]

Ballots must be mailed and postmarked by Election Day and received by the start of Canvass on the fifth day after the general election (excluding Sundays).[30] This does not apply for a military or overseas voter.

30. **IDENTIFICATION:** Are there identification requirements when I return my absentee ballot application and/or ballot?

If the voter has voted in West Virginia for a federal election before or provided ID at the time of voter registration, the voter does not need to provide ID to vote by mail.

If the voter is voting in West Virginia for the first time and didn't provide ID when the voter registered, the voter must enclose a copy of a valid ID with their ballot. To be accepted, a valid ID must show the voter's current name and address. Valid forms of ID include:[31]

- Valid photo ID
- Utility bill
- Bank statement
- Government check
- Paycheck
- Any other government document that shows the voter's name and address

31. **RECEIVING MAIL BALLOT:** Does the ballot have to be sent to my home, or can I have it sent somewhere else? What if I don't have a home address or my address is a PO Box?

Ballots must be sent to the address where you live on your voter registration. A PO Box cannot be used. If the US Postal Service does not deliver mail to your residence, please contact your County Clerk for instructions.

32. **MISSED THE APPLICATION DEADLINE:** What if I have not requested a mail-in ballot by the deadline?

Eligible voters may apply for an emergency absentee ballot between November 2, 2022 and noon on Election Day, November 8, 2022. Immediate family members may request an emergency absentee ballot on the voter's behalf.[32] Two election officials will deliver the ballot.

Emergency absentee ballot requests are granted if:[33]

- The voter is in a hospital or other health care facility in your county on Election Day;
- The voter is a poll worker appointed to a precinct other than their own after the Early Voting period.

[29] https://sos.wv.gov/elections/Pages/AbsenteeVotingInformation.aspx.
[30] https://sos.wv.gov/elections/Pages/AbsenteeVotingInformation.aspx.
[31] https://sos.wv.gov/elections/Pages/BeReg.aspx.
[32] W. Va. Code § 3-3-5c(d).
[33] W. Va. Code § 3-3-5c.

Some counties also allow emergency absentee voting in the following situations:[34]

- The voter is in a nursing home in their county, and they have resided there less than 30 days (in this case, a staff member of the nursing home may also request a ballot for the voter);[35]
- The voter, on or after the seventh day before the general election, is confined to a specific location within the county because of illness, injury, physical disability, immobility, or other medical reason;
- The voter is in a hospital or other health care facility in an adjacent county or within 35 miles of their county seat.

33. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my application and/or mail-in ballot?

Absentee voters may track the status of their absentee ballots by entering their name and date of birth at the following link: https://services.sos.wv.gov/Elections/Voter/AbsenteeBallotTracking.

34. **APPLICATION OR BALLOT REJECTED:** I learned my mail-in ballot application and/or ballot was rejected. What can I do to fix any errors or get another one?

The voter should immediately contact their county clerk for instructions. West Virginia currently does not have ballot curing provisions.[36]

35. **COMPLETING BALLOT:** How do I complete the mail-in ballot?

For instructions for completing a paper ballot by mail see: https://sos.wv.gov/FormSearch/Elections/Voter/Instructions%20for%20Voting%20a%20Paper%20Ballot%20by%20Mail.pdf

For instructions for completing an optical scan ballot by mail see: https://sos.wv.gov/FormSearch/Elections/Voter/Instructions%20for%20Voting%20an%20Optical%20Scan%20Ballot%20by%20Mail.pdf

For instructions for electronic absentee for voters with physical disabilities see: https://sos.wv.gov/elections/Pages/DisabledVotersEVoting.aspx

36. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me in filling out my ballot?

Voters can receive assistance in filling out their ballot by mail only if the voter declared they need assistance because of blindness, physical disability, advanced age, or illiteracy when they made their application.[37]

---

[34] *Id.*

[35] The 30-day language is not referenced in W. Va. Code § 3-3-5c, but it is referenced on the SOS website and in the emergency absentee application form: https://sos.wv.gov/FormSearch/Elections/Voter/Application%20for%20Voting%20an%20Emergency%20Absent%20Voter's%20Ballot.pdf.

[36] https://ballotpedia.org/Cure_period_for_absentee_and_mail-in_ballots.

[37] W. Va. Code § 3-3-6(a).

If the voter indicated that they require assistance, the voter can choose an eligible person to assist them in voting. The person assisting must make an affidavit affirming that they will not persuade or induce the voter to vote for any particular candidate and will maintain secrecy as to the voter's vote.[38]

37. **DEADLINE TO RETURN BALLOT:** What is the deadline for the ballot to be received? Does it have to be postmarked by a specific date? Can I drop it off in person?

In-person submission: The deadline to drop off an absentee ballot in person is 1 day before Election Day. This year, the deadline is November 7, 2022.[39]

Electronic submission: Absentee ballots must be received electronically from eligible voters no later than the close of polls on Election Day, November 8, 2022, by 7:30pm. Eligible voters for electronic submission are eligible military and overseas voters and eligible voters with physical disabilities.[40]

Absentee ballots without a postmark must be delivered by the US Postal Service or other express shipping service and received by the County Clerk no later than the day after Election Day, November 9, 2022.[41]

Absentee ballots with a postmark must be dated by Election Day, November 8, 2022, and received by the County Clerk by November 14, 2022, to be accepted.[42]

38. **BALLOT DROP OF LOCATIONS:** What are the locations for dropping off a ballot (instead of mailing it)?

For hand-delivery, absentee ballots must be delivered to the county clerk's office by November 7, 2022. The appropriate county clerk's office

39. **ASSISTANCE DROPPING OFF BALLOT:** Can someone else drop off my completed ballot for me?

Yes, voters do not have to personally return their absentee ballot. However, no one person may deliver more than two voters' absentee ballots.[43]

40. **LOST OR SPOILED BALLOT:** What if I lost my mail-in ballot, made a mistake on it (spoiled it), or I received an incorrect ballot?

If the voter makes a mistake on their ballot, the voter should cross out both the mark and the candidate or issue and mark their correct choice.[44]

[38] W. Va. Code § 3-3-6(c).
[39] W. Va. Code § 3-3-5(k).
[40] W. Va. Code § 3-3-5(i).
[41] W. Va. Code § 3-3-5(g)(1).
[42] W. Va. Code § 3-3-5(g)(2).
[43] W. Va. Code § 3-3-5(i)(k).
[44] https://sos.wv.gov/FormSearch/Elections/Voter/Instructions%20for%20Voting%20a%20Paper%20Ballot%20by%20Mail.pdf.

If the ballot is destroyed, the voter cannot correct their mistakes or the ballot is lost, the voter should immediately contact their county clerk for a replacement ballot.[45]

The voter may also vote in person on Election Day even if they requested an absentee ballot. Note that the voter should bring their absentee ballot to their polling place for destruction if they intend to vote in person instead.[46] If the voter forgets or is not able to return their absentee ballot, the voter may still vote in person. However, their in-person vote will be by provisional ballot.[47] The county clerk's office will double-check the absentee ballots received prior to canvass. If the voter's absentee ballot was not received by the county clerk, the Board of Canvassers will count the voter's in-person vote.

41. **NON-RECEIPT OF BALLOT:** What if I requested a mail-in ballot but have not received it? What are my options for voting?

If the voter does not receive their absentee ballot within a few days after placing your application in the mail, the voter should call their county clerk to request the status.

The voter may also track their absentee ballot online.

IN PERSON OPTION: What if I requested or received a mail-in 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.[48]

If the voter forgets or is not able to return their absentee ballot, the voter may still vote in person. However, their in-person vote will be by provisional ballot.[49] The county clerk's office will double-check the absentee ballots received prior to canvass. If the voter's absentee ballot was not received by the county clerk, the Board of Canvassers will count the voter's in-person vote.

HOW TO VOTE: ABSENTEE

42. **ELIGIBILITY:** Am I eligible to request an absentee ballot?

See question 27.

The absentee ballot application can be found here: https://sos.wv.gov/FormSearch/Elections/Voter/Absentee%20Ballot%20Application.pdf. .

43. **APPLICATION DEADLINE:** What is the deadline for requesting an absentee ballot?

The deadline for requesting an absentee ballot is November 2, 2022. The application cannot be received before August 16, 2022.[50]

[45] *Id.*
[46] W. Va. Code § 3-3-9.
[47] *Id.*
[48] *Id.*
[49] *Id.*
[50] W. Va. Code § 3-3-5(b)(1) & 3-3-5(e)(1).

44. **IDENTIFICATION:** Are there any identification requirements?

    See question 30.

45. **EMERGENCY:** Is there an emergency absentee ballot? If so, am I eligible?

    See question 32.

46. **APPLICATION RETURN:** Where and how can I return my absentee ballot application? Can someone return it for me?

    See question 29.

47. **STATUS OF APPLICATION AND/OR BALLOT:** How can I check the status of my absentee ballot application and/or absentee ballot return?

    See question 33.

48. **APPLICATION OR BALLOT REJECTED:** I learned my absentee ballot application and/or ballot was rejected. How can I confirm this and what can I do to fix any errors or get another one?

    See question 34.

49. **COMPLETING BALLOT:** How do I complete the absentee ballot?

    See question 35.

50. **ASSISTANCE COMPLETING BALLOT:** Can someone assist me filling out the ballot?

    See question 36.

51. **BALLOT DEADLINES:** What is the deadline for the ballot to be postmarked and/or received by, including dropping it off in person?

    See question 37.

52. **BALLOT DROP OF LOCATIONS:** Where can I drop off a ballot (instead of mailing it)?

    See question 38.

53. **ASSISTANCE DROPPING OFF:** Can someone else drop off my completed ballot for me?

    See question 39.

54. **LOST OR SPOILED:** What if I lost my absentee ballot or it is spoiled or I received an incorrect one?

    See question 40.

55. **NON-RECEIPT OF BALLOT:** What if I requested an absentee ballot but have not received it? Can I do anything?

    See question 41.

56. **IN PERSON OPTION:** What if I requested an absentee ballot but I want to vote in person on Election Day?

    See question 42.

57. **IN PERSON ABSENTEE:** Where do I vote in-person absentee? When can I do this?

    The voter can vote in-person absentee from 9:00am to 5:00pm between October 26, 2022 and November 5, 2022 at their Local Election Office.[51]

POLLING PLACE ISSUES

58. **POLLING PLACE NOT OPEN:** The polling place is not open. What should I do?

    If you go in person to vote and your polling place appears closed, your county clerk will have posted a notice on or near the polling place door with directions to the new nearby location of your polling place.

    Note to hotline volunteer: If you learn of a polling place that is not open on time or is closed, notify your hotline captain immediately.

59. **LONG LINES:** There are long lines at the polling place. What should I do? What if the polls are closing while I'm in line?

    The voter should get in line immediately and stay in line. The voter will be able to cast their ballot if they are in line at the polling place by 7:30pm.[52]

    Note to hotline volunteer: If you learn of long lines, notify your hotline captain immediately.

60. **EQUIPMENT FAILURE:** 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.[53] Otherwise, voters should be permitted to vote by paper ballots or by provisional ballots if no machines are available.[54] Provisional ballots should be used only as a last resort.

    Note to hotline volunteer: If you learn of equipment not working properly at a polling place, notify your hotline captain immediately.

[51] W. Va. Code § 3-3-3.
[52] https://www.aclu.org/know-your-rights/voting-rights#what-are-my-general-rights-on-election-day.
[53] W. Va. Code § 3-4A-18.
[54] https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf.

61. **EQUIPMENT ASSISTANCE:** 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.[55]

62. **PHYSICAL DISABILITY:** I have a physical disability and need assistance. Is my polling place ADA compliant? Does my voting location have an accessible voting system?

    By federal law, polling places are required to be accessible unless there is an emergency or no accessible location is available.[56] If the voter has trouble accessing a polling place, they should call the Office of the Secretary of State's toll free number at 1-866-767-8683 or their county clerk's office so they can make the polling place accessible.[57] If a voter is assigned to a polling place that is not accessible and is unable to be made accessible, they should send a written request to the county clerk to transfer their registration to the nearest accessible polling place at least 30 days before the election.[58] 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.

    Additional options:

    If a voter cannot leave their vehicle to vote, the polling place is not accessible, and no voters are waiting inside the polling place, the voter may vote from their car.[59]

    If the voter has a permanent disability that prevents them from traveling to their polling place, they may apply to their county clerk to be added to the special absentee voting list to receive a ballot in the mail for each election.[60] Note that the voter will need a note from their doctor. See question 27.

    If the voter has a permanent disability that prevents them from traveling to their polling place, they may apply to their county clerk for an absentee ballot before each election. No doctor's note is required.

63. **READING/LANGUAGE ASSISTANCE:** I am blind, have a physical disability, or cannot read English and require assistance in order to vote. Can I get assistance at the polls?

    Yes, the voter can request assistance at the polls. If the voter needs the ballot to be read aloud to them, two poll workers of opposing political parties can read the ballot to the voter. The voter may also request a ballot with braille navigation, an audio reading of the ballot, or touch screen interfaces to help the voter cast their ballot.[61]

64. **CAMPAIGNING:** What rules apply to people campaigning or "hanging around" my polling place? Can people approach me?

---

[55] W. Va. Code § 3-4A-15(a).
[56] 52 U.S.C. § 20102.
[57] https://sos.wv.gov/FormSearch/Elections/Administrators/West%20Virginia%20Voters%20with%20Disabilities.pdf.
[58] *Id.*
[59] *Id.*
[60] W. Va. Code § 3-3-2(b).
[61] https://www.vote411.org/west-virginia#provisions-for-voters-with-disabilities.

Individuals are prohibited from electioneering (i.e., campaigning and solicitation) within 100 feet of the polling place. Electioneering includes the display or distribution of campaign paraphernalia, or the solicitations of votes or signatures.[62] Note that exit polling is permitted so long as the exit polling does not otherwise include campaigning and solicitation.[63]

65. **CHALLENGE:** Someone is formally challenging my vote. What should I do?

Voters whose registration has been challenged at the county clerk's office will be mailed a notice of such challenge and must present evidence of eligibility within 30 days of the mailing of the notice of challenge in person at the clerk's office.[64] 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.[65] 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.[66]

66. **POLICE/MILITARY PRESENCE:** There are police/members of the military at the polling place. Is this okay? What should I do?

If someone tries to intimidate or harass the voter, the voter should tell a poll worker right away. If the poll worker is the problem, the voter should tell a poll watcher, call their county clerk's office, or call one of the election hotline numbers.

Note to hotline volunteer: If you learn of police/members of the military at the polling place, notify your hotline captain immediately.

67. **THOUGHT WAS REGISTERED:** My name isn't on the voter registration roll but I thought I was registered. What should I do?

A voter's name can be removed from the voter list if the voter has canceled their registration or has become ineligible to vote. A voter can become ineligible while, for example, serving a sentence for conviction of a felony (this includes the period of incarceration, parole, and probation following conviction) or being declared mentally incompetent by a court.[67] A voter may also be removed from the voter rolls if they have moved, not responded to an address verification notice, not updated their registration, AND failed to vote in the prior two federal elections.[68]

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 to their county clerk to provide evidence that

[62] W. Va. Code § 3-9-9.
[63] W. Va. Code § 3-9-9.
[64] W. Va. Code § 3-2-28.
[65] W. Va. Code § 3-1-34(d).
[66] W. Va. Code § 3-1-41.
[67] W. Va. Code § 3-1-3; https://sos.wv.gov/FormSearch/Elections/Informational/Manual%20for%20Election%20Officials.pdf.
[68] W. Va. Code § 3-2-4A(e)(1).

they are 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.[69]

A voter who has not responded to confirmation notices sent by the county clerk, and is on the inactive list, may show up at their polling place to vote but will be required to affirm their residence address under penalty of perjury before voting.[70]

Steps to determine why a voter's name is not on the list of registered voters:

- Check the voter's registration status using the registration lookup tool to make sure they are registered to vote and at the right place. (See Question #3.)
- Has the voter moved recently? Could the voter be registered at an old address? Check that address in the registration lookup tool. (See Question #3, 8–9.)
- Has the voter changed their name recently, or could they be registered under a different name? Check that name (and any variations of the voter's name, especially for hyphenated names) in the registration lookup tool. (See Question #3.)
- When/where did the voter register to vote? Was it before the deadline?

If the voter does not appear to be registered and it is before the registration deadline (See Question #6), the voter should re-register. (See Question #1 and Question #4).

68. **PROVISIONAL BALLOT:** 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 their address at the polling place on election day;[71]
- The voter's registration record is not available;[72]
- The voter's signature does not correspond with the signature next to the voter's name in the registration record;[73]
- The voter has not provided identification, was not accompanied by an adult affirming their identity, and has not known a poll worker for a sufficient amount of time to affirm their identity;[74]
- The voter is disabled and whose polling place is not accessible, and requested a transfer of registration to an accessible polling place within 30 days of election day;[75]
- The voter requests assistance in voting, but is believed to not be qualified for assistance, and still wishes to vote with assistance;[76]

[69] W. Va. Code § 3-2-17.
[70] W. Va. Code § 3-2-31(d).
[71] W. Va. Code § 3-2-31(c).
[72] W. Va. Code § 3-1-41.
[73] *Id.*
[74] W. Va. Code §3-1-34; W. Va. Code § 3-1-41.
[75] W. Va. Code § 3-1-34(b).
[76] W. Va. Code § 3-1-34(e)(3).

- The voter has been permitted to register to vote after the normal registration deadline;[77]
- The registration record indicates another legal disqualification.[78]

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).

If the voter was offered a provisional ballot because the voter may have been ineligible to vote at the time or did not show proper ID, the voter can present their ID at their County Clerk's Office before canvass, and their ballot will be counted. If the voter was offered a provisional ballot for any other reason, and the Board of Canvassers find that the voter was eligible and registered, the ballot will be counted.[79]

ACCESSIBILITY/ASSISTANCE

69. **LANGUAGE ACCESS:** I am not an English speaker. What language resources are available? Can I bring someone in the booth to help me understand the ballot?

    Yes, under federal law, voters who have difficulty reading or writing English may receive in-person assistance at the polls from the person of their choice. That person cannot be the voter's employer, an agent of the voter's employer, or an agent of the voter's union.[80]

70. **CURBSIDE VOTING:** Is curbside voting available? How do I request it?

    If the voter cannot leave their vehicle to vote, the polling place is not accessible, and no voters are waiting inside the polling place, the voter can send someone into the polling place to request curbside voting on their behalf. Poll workers will bring a ballot or voting machine outside so the voter can vote from their car.

    If a voter's precinct is not accessible, the voter can request for a precinct change by contacting their County Clerk.[81]

71. **VOTER GUIDE:** Can I bring a voting guide or reference notes with me into the voting booth?

    Yes, voters can bring a sample ballot into the voting booth with them, so long as they do not share the sample ballot with anyone else or leave the sample ballot in the booth.[82]

---

[77] W. Va. Code § 3-2-6a.
[78] W. Va. Code § 3-1-41.
[79] https://sos.wv.gov/elections/Pages/FAQs.aspx.
[80] https://www.aclu.org/know-your-rights/voting-rights#i-speak-english-less-than-very-well.
[81] https://sos.wv.gov/FormSearch/Elections/Administrators/West%20Virginia%20Voters%20with%20Disabilities.pdf.
[82] https://www.theintelligencer.net/news/top-headlines/2022/05/sample-ballots-are-permitted-within-west-virginia-polling-locations/.

QUESTIONS

72. **QUESTIONS:** Who should I contact if I have questions about any of the above?

    The voter can contact the West Virginia Secretary of State by phone (304) 558-6000; toll free (866) 767-8683; or by email at Elections@wvsos.gov. To find contact information for a county clerk, visit: https://sos.wv.gov/elections/Pages/CountyClerkDirectory.aspx.