

ELIGIBILITY FOR ABSENTEE VOTING IN WEST VIRGINIA

General Information

An absentee voter is an eligible voter who is eligible to vote and cannot make it to the polls on Election Day. In West Virginia, absentee voters have the option to vote in the designated period for early in-person voting or, under certain circumstances, may vote an absentee ballot by mail.

This document details the eligibility for absentee voting by-mail.

Eligibility for Absentee Voting By-Mail

Persons with Physical Disabilities

All registered and otherwise qualified voters who fall into one of the following categories by request and vote an absentee by-mail ballot:

- Confined to a location because of an injury, illness, or other medical reason;
- Physically disabled or immobilized due to extreme advanced age; or
- Cannot access the voting area within the courthouse or annex because of physical disability.¹

Persons Located Outside the County

If a registered voter is at an address outside of the county, he or she may qualify to receive an absentee by-mail ballot if they fall into one of the following categories:

- Will be absent from the county during the hours of the early voting period *and* on Election Day because of employment work hours and distance from county seat that makes voting impossible;
- Will be absent from the county due to personal or business travel;
- Will be absent due to attendance at a college, university, or other place of education or training;
- Will be residing outside of the county for the election period while serving as an elected or appointed federal or state officer;
- Voter will be residing outside of the county for the election period serving in any other employment of specific duration four (4) years or less²; or
- Is currently under incarceration or home detention for a *misdemeanor* conviction
 - NOTE: persons serving a sentence for a felony conviction or election bribery or conviction *are not* eligible for absentee by-mail voting.

¹ W. Va. Code §3-3-1

² W. Va. Code §3-3-5(c)(4)

Special/Permanent Absentee Voting List

Voters seeking to be added to the Special Absentee Voting List must be:

- Participating in the Address Confidentiality Program; or
- Permanently physically disabled, preventing the voter from going to the polling place.³

Uniformed Overseas Absentee Voting Act (UOCAVA) Voters

Voters seeking eligibility with the Uniformed Overseas Absentee Voting Act (UOCAVA) must be:

- A member of the United States' Uniformed Armed Services or of the Merchant Marines on active duty, including activated National Guard members away on orders;
- The spouse or dependent of such members on active duty; or
- A United States citizen temporarily, or permanently, residing outside the country and qualified to vote in the last place in which the person was domiciled before leaving the United States.⁴

Emergency Absentee Ballot List

Voters seeking eligibility to vote an emergency absentee ballot must be:

- Confined, or expect to be confined, in a hospital or other healthcare facility within the county of residence or other authorized area on Election Day;
- Residing in a nursing home, within the county of residence, and would be otherwise unable to vote in person; or
- Working as a replacement poll worker assigned to be out of their voting district, *only if* the assignment was made after the period for voting in person has expired.⁵

³ W. Va. Code §3-3-1(b)(6)

⁴ W. Va. Code §3-3-1(b)(3)

⁵ W. Va. Code §3-3-1(c)(1-3)