



BEST PRACTICES GUIDE FOR ABSENTEE AND EARLY VOTING

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OF STATE'S OFFICE

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Contents

INTRODUCTION	3
REGULAR ABSENTEE BY MAIL	3
ELIGIBILITY	3
APPLYING FOR BALLOT	4
SPECIAL ABSENTEE VOTING LIST	4
ELIGIBILITY	4
APPLYING FOR A BALLOT	4
REMOVAL FROM THE SPECIAL ABSENTEE VOTING LIST	5
REGULAR AND SPECIAL LIST BALLOT DELIVERY AND RETURN	5
BALLOT DELIVERY	5
BALLOT RETURN	6
MILITARY AND OVERSEAS (UOCAVA) VOTERS.....	6
ELIGIBILITY	6
APPLYING FOR A BALLOT.....	6
BALLOT DELIVERY	6
BALLOT RETURN	7
AUTHORIZED LATE REGISTRATION	7
ELIGIBILITY	7
PROCEDURES	8
EMERGENCY ABSENTEE VOTING	8
EMERGENCY ABSENTEE BALLOT COMMISSIONERS.....	9
POLICY TO EXTEND EMERGENCY ABSENTEE VOTING	9
EMERGENCY ABSENTEE VOTING PROCEDURES.....	9
DELIVERING PROVISIONAL ABSENTEE BALLOTS	10
BEST PRACTICES FOR CORRECTING A BALLOT ERROR.....	10
PROCESSING RETURNED ABSENTEE BALLOTS	11
COUNTING ABSENTEE BALLOTS ELECTION DAY	12
EARLY VOTING.....	13
EARLY VOTING LOCATIONS	13
DESIGNATING COMMUNITY VOTING LOCATIONS	13
EARLY VOTING REPRESENTATIVES	14

EARLY VOTING MATERIALS	14
EARLY VOTING PROCEDURES	14
PROVISIONAL VOTING DURING EARLY VOTING.....	15
ASSISTANCE IN VOTING.....	15
SPOILING A BALLOT	15
ABSENTEE VOTING OFFENSES.....	16
ABSENTEE VOTING QUICK REFERENCE	20
ABSENTEE VOTING QUICK REFERENCE 2	22

INTRODUCTION

Voters who cannot make it to the polls on Election Day have the option to vote in the period designated for early in-person voting or, under certain circumstances, to vote an absentee ballot. There are extended absentee voting opportunities for voters in the hospital on Election Day as well as for members of uniformed services, their spouses and dependents, and citizens residing overseas. Furthermore, voters who have a permanent disability or are part of the Address Confidentiality Program may be added to the list of voters to be mailed an absentee ballot for every election. County Clerks and staff should carefully review the [West Virginia Election Calendar](#) available on www.GoVoteWV.com for important absentee and early voting dates and deadlines.

The County Clerk is responsible for providing applications to voters and mailing ballots and materials to those who are eligible to vote absentee. Additionally, the County Clerk and board of ballot commissioners must ensure that absentee ballots and materials are delivered to the office in time to meet important mailing deadlines. The Secretary of State's Office offers this guide to assist election administrators in meeting the requirements regarding absentee voting.

There are four categories of absentee voters, and each one has a separate set of rules and processes:

- **Regular Absentee**
- **Special/Permanent Absentee Voters**
- **Military and Overseas (UOCAVA)**
- **Emergency Absentee**

The County Clerk may send applications for voting absentee to any of the four categories of voters by mail, fax, or e-mail. Applications may also be found at www.GoVoteWV.com.

If you have questions concerning any of the information provided in this guide, please call the West Virginia Secretary of State's Office at 1-304-558-6000 or toll-free at 1-866-767-8683.

REGULAR ABSENTEE BY MAIL

(W. Va. Code § 3-3-1, § 3-3-2, and § 3-3-5)

ELIGIBILITY

Voters not able to vote in person during Early Voting or Election Day due to one of the following circumstances may vote a regular absentee ballot by **mail**:

- Illness, injury or other medical reason which keeps them confined;
- Immobility due to advanced age or a physical disability;
- Incarceration (except for 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;*
- Temporarily living outside of the county due to serving as an elected or appointed federal or state officer;*
- Service as an elected or appointed state or federal official;*
- Temporarily living outside of the county due to a temporary assignment by my employer for a specific period of four years or less.*

*Voter must receive their ballot at an address outside of the county.

Voters not able to vote in person during Early Voting or Election Day due to one of the following circumstances may vote a regular absentee ballot **electronically**:

- Voter with a physical disability that prevents them from voting in-person and by mail-in absentee voting; and
- A first responder called away on duty to respond to an emergency outside county of residence, which prevents them from voting in-person and via mail-in absentee voting. If selected, they must apply between the 13th day before the election and 5:00 p.m. on the day before the election.

APPLYING FOR BALLOT

To apply to vote regular absentee by mail, a voter must complete the [Absentee Ballot Application](#) in his or her own handwriting. If a voter receives assistance in filling out the form, the person assisting must sign the form. Voters with physical disabilities and first responders who meet the criteria to vote electronically have the option to apply using the online absentee ballot application. The County Clerk may accept applications for voting regular absentee starting January 1st of the election year to the 6th day before the Primary Election. If applying for the General Election, the application period starts 84 days before the election and goes to the 6th day before the election. A voter may submit the application to his or her County Clerk in person, by postal mail, by fax, or by email.

SPECIAL ABSENTEE VOTING LIST

(W. Va. Code § 3-3-2b)

ELIGIBILITY

Voters may apply and receive a mailed ballot in every election for one of the reasons below:

- Participation in the Address Confidentiality Program (ACP); or
- A permanent, physical disability that prevents a voter from going to the polling place.

APPLYING FOR A BALLOT

A voter may apply to be placed on the special (or permanent) absentee voting list at any time by completing the [Application to be Placed on the Special Absentee Voting List](#) in his or her own handwriting. If a voter receives assistance, the person assisting must sign the form. If applying due to a disability, the voter must also submit the Statement of Physician form, which is

included in the application. To be eligible for a ballot in the upcoming election, the voter must apply no later than the 6th day before the election.

Where may voters apply?

- ACP participants may apply to the Secretary of State.
- Voters with a permanent disability may apply to their County Clerk.

REMOVAL FROM THE SPECIAL ABSENTEE VOTING LIST

A voter on the Special Absentee Voting List may only be removed under the following circumstances:

- Voter submits a written request to the County Clerk to be removed from the list;
- Voter moves or otherwise becomes ineligible to vote;
- Voter's ballot is mailed to the address provided and returned undeliverable from the U.S. Postal Service; or
- Voter is a participant of ACP, and he or she withdraws or is removed from the program.

REGULAR AND SPECIAL LIST BALLOT DELIVERY AND RETURN

(W. Va. Code § 3-3-2b and § 3-3-5)

BALLOT DELIVERY

Regular and special list absentee voters may receive their ballots by postal mail, unless they are qualified to receive and return their ballots electronically. State Code requires the County Clerk to begin transmitting ballots 46 days before the election, so ballots should be proofed and ordered as soon as possible. Once absentee ballots are available, they must be mailed within one business day of receiving a completed application. The County Clerk sends ballots up to, and including, the 6th day before the election.

Absentee Voting Materials (Available from the Secretary of State's Office or ballot printer)

- ✓ Absent Voter's Ballot Envelope No. 1
 - Marked only with the title of the envelope and instructions for voting
 - To contain the voted ballot
- ✓ Absent Voter's Ballot Envelope No. 2
 - Postage paid
 - To contain Envelope No. 1 and the voter's information
- ✓ Instructions for voting absentee by mail
- ✓ Notice that a list of write-in candidates is available upon request

Special Instructions for Sending Ballots to ACP Participants

Upon notification from the Secretary of State's Office, the County Clerk will add the ACP participant to the Special Absentee Voting List. The County Clerk must mail a ballot for the voter to the address provided by the Secretary of State's Office in every election until notified otherwise.

BALLOT RETURN

Regular and permanent/special list absentee voters must return their voted ballots by postal mail or in person, and qualified voters with physical disabilities may return electronically. No person may deliver more than two absentee ballots to the County Clerk's office. All absentee ballots, including those from ACP participants, must be returned to the County Clerk's office.

Regular and Special List Ballot Return Deadlines

Hand-delivered	→	The day before the election
Without postmark	→	The day after the election
Postmarked on or before the date of the election	→	The start of canvass
Electronic Transmission	→	The close of polls Election Day

MILITARY AND OVERSEAS (UOCAVA) VOTERS

(W. Va. Code § 3-3-1, § 3-3-2, § 3-3-5, § 3-3-5a)

Voters covered by the [Uniformed and Overseas Citizens Absentee Voting Act \(UOCAVA\)](#) may receive and submit their ballots electronically. You may access more information on UOCAVA voters through the Federal Voting Assistance Program (FVAP) website at www.fvap.gov.

ELIGIBILITY

The following voters are covered by UOCAVA:

- Members of the United States uniformed services and merchant marines on active duty;
- Their spouses and dependents;
- United States citizens temporarily or permanently residing outside of the country.

APPLYING FOR A BALLOT

UOCAVA voters may apply for an absentee ballot, register to vote, or update their registration by submitting the [Federal Postcard Application \(FPCA\)](#). Alternatively, if they are already registered to vote, they may apply for an absentee ballot by using the online absentee application form available at www.GoVoteWV.com. UOCAVA voters may apply for an absentee ballot beginning the first day of January each year or eighty-four days before the election, whichever is sooner. Absentee ballot applications from UOCAVA voters are valid for all elections scheduled in the year they apply. The deadline for submitting the application for an absentee ballot is the 6th day before the election.

BALLOT DELIVERY

UOCAVA voters may receive their ballots by postal mail, fax, email, or online delivery. Federal and State Code requires the County Clerk to begin sending ballots to UOCAVA voters 46 days before the election. Like regular absentee ballots, UOCAVA ballots must be mailed or

electronically transmitted within one business day of receiving a completed application once ballots are available. Do not plan to send ballots late for any reason. If you anticipate any issue sending ballots on the 46th day before the election, contact our office immediately so we can assist. Late transmissions will result in direct follow-up from the Department of Justice.

IMPORTANT: When clerks receive their ballots on the 46th day before the election, all absentee applications received up to that point, including UOCAVA, must be sent out the same day. Sending UOCAVA ballots on that day is a federal requirement.

UOCAVA Absentee Voting Materials

- ✓ Waiver of privacy form,
- ✓ Instructions for voting absentee by mail, fax, email, or online ballot return,
- ✓ Return and security envelopes,
- ✓ Notice that a list of write-in candidates is available upon request, and
- ✓ Oath of voter.

Online Ballot Delivery

If a voter requests to receive his or her ballot by online delivery, the County Clerk will mark the voter appropriately in the Statewide Voter Registration System. He or she will receive an email with a link to access his or her ballot once it is available. County staff will receive training for proofing and processing online system ballots each election.

BALLOT RETURN

UOCAVA voters may return their ballots by postal mail, fax, email, or using the online return system.

UOCAVA Ballot Return Deadlines

Fax, email, or online return	→	The close of polls Election Day
Postal mail	→	The start of canvass

AUTHORIZED LATE REGISTRATION

(W. Va. Code § 3-2-6a and CSR § 153-44-1 et seq.)

Certain UOCAVA voters may register to vote and cast an absentee ballot when they return to West Virginia after the voter registration deadline. Voters may apply in person at the County Clerk's office beginning 20 days preceding the election until the day before the election.

ELIGIBILITY

An individual otherwise qualified to vote who has been absent from his or her county due to uniformed service or employment in support of national security may register to vote after the deadline but before Election Day. Such voters must normally be absent from the county where

they reside or have been absent and returned at least 21 days preceding the election. Below is a list of voters who are eligible for authorized late registration:

- A member of the uniformed service of the United States who is on active duty or was on active duty and discharged during the sixty days preceding the election;
- A member of the Merchant Marines;
- A person residing overseas by virtue of his or her employment in support of national security; or
- A spouse or dependent living with an individual listed above.

PROCEDURES

1. The applicant completes a voter registration application and [voter affidavit](#) prescribed by the Secretary of State in person at the County Clerk's office.
2. The applicant presents one of the following forms of identification that shows his or her name and address to the County Clerk: valid photo identification, copy of a utility bill, bank statement, government check, paycheck, or other official government document.
3. The following documents are required at the time the voter applies:
 - **Member of uniformed service or merchant marines:** an official discharge notice or military orders;
 - **Citizen residing overseas because of employment in support of national security:** an [affidavit](#) from his or her employer which certifies that the job was in support of national security; and
 - **Spouse or dependent of one of the above:** a copy the spouse or parent's official military orders or discharge notice or a notarized [affidavit](#) from the spouse or parent's employer.
4. The County Clerk provides a provisional absentee ballot for the voter to return by mail to confirm his or her address and eligibility.
5. If the County Clerk determines that the voter is eligible to vote, the board of canvassers will count the ballot.

Authorized Late Registrant Ballot Return Deadline

Postal mail → The start of canvass

EMERGENCY ABSENTEE VOTING

(W. Va. Code § 3-3-1, § 3-1-29, § 3-1-30, § 3-3-5, § 3-3-5c)

Voters who meet the criteria below may apply for an emergency absentee ballot beginning the 7th day before the election until noon election day:

- Voters who are in or expect to be in the hospital or licensed health care facility on Election Day;
- Replacement poll workers appointed after the period for early voting;

Counties may adopt a policy to also allow the voters below to vote emergency absentee:

- Voters in licensed health care facilities within an adjacent county or within 35 miles of the county seat;
- Voters in a nursing home within the county if he or she has resided there for a period of less than 30 days;
- Voters who become confined on or after the 7th day before the election to a specific location within the county due to a disability or medical reason. The county clerk may require a written confirmation by a licensed physician, physician's assistant, or advanced practice registered nurse.

EMERGENCY ABSENTEE BALLOT COMMISSIONERS

The deadline for the County Clerk to notify the county commission of the number of teams of emergency absentee ballot commissioners needed is the 56th day before the election. However, our office recommends that the County Commission notifies them how many are needed at the time they notify them of the number of poll workers needed, eighty-four days before the election. The county commission must appoint at least one team of emergency commissioners (two individuals of opposite political parties) not less than 49 days prior to an election and in the same manner they appoint commissioners for Election Day. The emergency commissioners must be available during the period allowed for emergency absentee voting, and they are required to take the [Oath of Election Officials](#) before delivering ballots. Refer to W. Va. Code § 3-1-30 for the procedures prescribed for appointing election commissioners.

POLICY TO EXTEND EMERGENCY ABSENTEE VOTING

A county may adopt a policy before each election to extend emergency absentee voting to the following individuals:

- Voters who have resided in a nursing home within the county for less than 30 days;
- Voters who are in a hospital or other duly licensed health care facility within an adjacent county or within 35 miles of the county seat.

The policy must be adopted at least 90 days before the specific election it will affect, so it cannot be an open-ended policy. It must identify whether it applies to a primary, general, or special election. A copy of the policy must be filed with the Secretary of State's Office.

The county commission may file policies together for an entire election year, provided the policy explicitly addresses each individual election, or they may adopt and file a separate policy for each election, as long as it meets the 90-day deadline for that election.

EMERGENCY ABSENTEE VOTING PROCEDURES

1. Voter or a member of the voter's immediate family, or in counties with an extended policy, a staff member of a nursing home, requests a ballot for voting emergency absentee.
2. The County Clerk provides the emergency absentee ballot commissioners with the [Application for Voting an Emergency Absent Voter's Ballot, Declaration of Emergency Absentee Ballot Commissioners](#), an absentee ballot, and absentee balloting materials.

Unless the ballot is provisional, two county clerk designees of opposite parties must sign the back of the ballot.

3. Upon receiving these materials from the clerk, at least one commissioner must sign a receipt, and that receipt must then be attached to the application form.
4. The team of commissioners delivers the materials to the voter and awaits completion of the application and ballot. If the voter is assisted in voting, the team of commissioners or the person of the voter's choice must sign the Absent Voter's Ballot Envelope No. 2 on the line provided.
5. The commissioners return the application and voted ballot to the County Clerk and sign the oath that no other person other than the absent voter voted the ballot. Any ballots returned by the commissioners after the close of the polls on Election Day must be made provisional.

Emergency Absentee Ballot Return Deadline

Delivery by County Commissioners → The close of polls election day

DELIVERING PROVISIONAL ABSENTEE BALLOTS

(W. Va. Code § 3-3-10)

If the County Clerk determines that a voter is not eligible to vote absentee, he or she must send the voter an unsigned absentee ballot, voting materials, and a provisional ballot notice and tracking slip. If an absentee ballot is made provisional, enter the challenge information in the section of the Statewide Voter Registration System for maintaining absentee ballots. Once the provisional absentee ballot is voted, enter whether the challenge was removed in the absentee ballot-module.

Note: For late absentee applicants, the County Clerk may choose to reject the application or to make the ballot provisional.

BEST PRACTICES FOR CORRECTING A BALLOT ERROR

(W. Va. Code § 3-1-21)

If an error is discovered on the official ballot, the board of ballot commissioners may correct it by reprinting the ballots or printing correction stickers to cover the error (check to see if this is compatible with the voting system). In certain cases, ballot commissioners and the county commission have decided to send a letter informing the voter of the error and letting the voter know they may request a corrected ballot.

If absentee ballots have already begun to be mailed, the County Clerk should follow these best practices:

- Notify the Secretary of State's Office.

- Pause processing absentee ballots until correction stickers are applied or replacement ballots are available.
- Mail a corrected ballot to every voter who received a ballot with the error. Include a clear explanation letter describing the error and the correction.

Only the incorrect ballot is returned: Mark the ballot provisional. The board of canvassers should count votes cast on the correct portion of the ballot, unless another valid challenge applies. The board determines how to handle the incorrect portion.

Both the incorrect and corrected ballots are returned: Spoil the incorrect ballot. Mark the corrected ballot provisional (because two ballots were submitted). If no other challenge exists, the board of canvassers should count the corrected ballot.

Only the corrected ballot is returned: Mark it provisional (since the voter still has the incorrect ballot). If no other challenge exists, the board of canvassers should count the corrected ballot.

In all cases, maintain detailed records of all actions taken to correct absentee ballots.

PROCESSING RETURNED ABSENTEE BALLOTS

(W. Va. Code § 3-3-5)

The County Clerk is responsible for securing absentee ballots voted until Election Day. Follow the steps outlined below upon receipt of a voted absentee ballot:

- 1) Review information entered on Absent Voter's Ballot Envelope No. 2.
- 2) If the ballot is provisional, enter the reason for the challenge of voter on Absent Voter's Ballot Envelope No. 2.
- 3) Securing Returned Ballots:
 - **Ballots received by mail or in person:** Place the sealed envelope into a ballot box secured by two locks – the key to one lock is kept by the president of the county commission and the key to the other lock is kept by the County Clerk. If they are on the ballot, the best practice is for the County Clerk or County Commission to designate two other county officials of opposite parties to have the keys.
 - **Ballots received by voters qualified to vote electronically (email, fax, online):** Place the ballot and voter's waiver of privacy form in an envelope marked "Electronic Return." The County Clerk must keep a record of all ballots sent and received electronically.
- 4) Maintain chain of custody at all times.

COUNTING ABSENTEE BALLOTS ELECTION DAY

(W. Va. Code § 3-3-5)

Counties may choose to start scanning absentee ballots at the start of early voting, but they must not tabulate until election night. Alternatively, all absentee ballots may be scanned and tabulated at the central counting center on election night (electronic voting systems) or at the polling places (paper ballot systems).

- Absentee ballots received in a county clerk's office prior to Election Day may be processed in the usual manner, at the same time and under the same procedures for early voting or they may be processed on Election Night pursuant to W. Va. Code § 3-3-3 and other applicable laws and regulations,
- Absentee ballots received after the last day of the early voting period, and up to Election Day, may be processed in the usual manner set forth in W. Va. Code §§ 3-3-7 and 3-3-8.
- Absentee ballots received after Election Day shall be processed in the usual manner as set forth in W. Va. Code § 3-6-6.

Ballot boxes must be opened:

- In the presence of the Clerk of the County Commission, and
- Two representatives of opposite political parties.

Paper Ballots

1. Open the ballot boxes.
2. Separate ballots by **precinct** (based on the envelope).
3. Deliver the ballots secured in a ballot box to the appropriate polling place the morning of Election Day.
4. Ballots are opened and counted like regular ballots.
5. Do not release results before polls close and precinct returns are posted.

Optical/Digital Scan System

1. Deliver ballot boxes to the central counting center.
2. Open them in the required bipartisan presence.
3. Count ballots using the optical/digital scan procedures.

Provisional Ballots

- Place provisional ballots in a provisional ballot envelope.
- Deliver them to the board of canvassers for review.

EARLY VOTING

(W. Va. Code § 3-3-2a, § 3-3-3, § 3-1-34, § 3-1-36, § 3-1-41, and CSR § 153-13 et.seq.)

W. Va. Code requires the County Clerk to conduct early in-person voting during regular business hours from the thirteenth day before the election to the third day before the election.

Additionally, early voting must be conducted on the two Saturdays (excluding Sunday) before Election Day from 9am to 5pm.

EARLY VOTING LOCATIONS

The county commission designates the courthouse or judicial annex as the primary location for early voting. They may also designate community (or satellite) voting locations with a majority vote from its members and approval from the County Clerk.

Electioneering on the property of the county courthouse or judicial annex and 100 ft from the entrance of any community location is prohibited during the entire period of Early Voting - no person may solicit votes, display campaign signs, or distribute literature or material of any kind.

Early Voting locations must...

- ✓ Be available during the Early Voting period;
- ✓ Have the physical facilities necessary for voting;
- ✓ Have adequate space for voting equipment, poll workers, and voters;
- ✓ Have adequate security, public accessibility (ADA Compliant), and parking.

DESIGNATING COMMUNITY VOTING LOCATIONS

(Please refer to CSR § 153-13 et.seq. for more detailed rules and procedures)

Timeline:

- 150 days before Election Day: Deadline for county Democrat and Republican executive committees to nominate proposed locations (optional).
- 120 days before Election Day: Clerk must submit written proposal to County Commission.
- 30 days prior to Early Voting location designation: The county commission must publish a notice of its intent to designate community voting locations as a Class II-0 legal advertisement.
- 90 days before Election Day: County Commission must approve or disapprove.
- 7 days before early voting begins: The County Commission shall publish a notice of the location(s), dates, and hours of each early voting satellite precinct. The County Commission may broadcast the notice in the manner they determine most sufficient to reach the majority of citizens in the county, or they may publish a Class II-0 legal advertisement and place the notice on the county website.

Note: A proposal is only valid for the election in which it was approved.

EARLY VOTING REPRESENTATIVES

The County Clerk assigns at least two individuals of opposite political parties to assist with early voting at each location; these individuals may be full-time employees, temporary employees hired for early voting, or volunteers. Before beginning work, the representatives must take the receiving members oath.

Early voting representatives should be trained to accommodate voters from various precincts casting ballots at one location. In addition, they should be trained to follow the same rules and procedures for early voting as those for Election Day.

EARLY VOTING MATERIALS

The County Clerk must make sure that the early voting representatives have the materials listed below. They must also post the appropriate signs and information: handicap parking sign, sample ballots, list of write-in candidates on the door and table, voter's rights, and instructions for voting.

- ✓ Poll book or ePollbook
- ✓ List of absentee and early voters, updated daily
- ✓ Assisted Voter's Oath and list

- ✓ ExpressVote Ballots or paper ballots
- ✓ Provisional Ballot Reason Forms
- ✓ Provisional Ballot Tracking Forms
- ✓ Provisional Ballot Envelope #1, #2, and #3
- ✓ Spoiled Ballot Envelope

EARLY VOTING PROCEDURES

1. Ask for the voter's name, physical address, and acceptable photo ID.
2. Look up the voter in the system or pollbook. County Clerks may choose to use paper pollbooks, the Statewide Voter Registration System, or ePollbooks for early voting. It is highly recommended to always have a paper pollbook back up.
3. Have the voter sign the electronic pollbook (epollbook), paper pollbook, or poll slip, depending on the system being used.
 - a) Address changes during Early Voting: If the voter has moved within the county, they may update their address at the early voting location and vote a regular ballot for their new precinct.
 - b) Representatives should record the address change and determine the voter's correct precinct based on the new address.
4. Follow the same procedures used on Election Day for issuing and accepting ballots. Unlike Election Day, multiple precincts are served at early voting locations, so the representatives must also make sure to select the voter's correct precinct in the system or provide the correct precinct ballot.

5. At the end of each early voting day, secure all voting systems, ballot boxes, and voting materials.

PROVISIONAL VOTING DURING EARLY VOTING

If representatives determine that an individual is not registered in the county, that he or she has already voted, or that a request for assistance is unfounded, they must issue a provisional ballot. Provisional ballots will be reviewed at canvass. Below is a summary of the different procedures for issuing provisional ballots.

ExpressVote and Paper Ballot:

1. Issue a regular ballot to the voter, along with a Provisional Ballot Tracking Form. The tracking form is used by the voter to determine if their ballot was counted.
 - a. **Do not** sign the back of the ballot.
 - b. **Do not** remove the ballot stub from a provisional ballot.
2. After the voter has voted, place the ballot into Envelope #1 (the smallest envelope).
3. Then, the poll worker must fill out the required information on Envelope #2 (medium sized envelope), indicating why the voter cast a provisional ballot. Be sure the voter completes and signs Envelope #2.
4. After the polls close, the poll workers must place **all** provisional ballot envelopes into Envelope #3 (the largest envelope).
5. Finally, place Envelope #3 with all provisional ballots into the secured ballot box (either in the precinct scanner or traditional locked ballot box) at the end of the night.

ASSISTANCE IN VOTING

A voter may request assistance in voting due to blindness, disability, advanced age or inability to read and write. The two early voting representatives or a person of the voter's choice may assist the voter; However, a present or former employer, officer or agent of a labor union to which the voter is/was a member or a candidate on the ballot may not assist the voter. The person or persons assisting the voter must sign the *Assisted Voter's Oath*, which states that he or she will not influence or advise the voter, and the early voting representatives must list the name of the voter receiving assistance.

SPOILING A BALLOT

If a voter indicates that he or she has voted incorrectly or that the ballot is defaced, the representatives may spoil the ballot and issue a new ballot by following the procedures below.

Ballots can be spoiled for many reasons. Some examples include:

- A voter tells a poll worker that the ballot is defaced,
- A regular ballot was not signed by two poll workers,
- The voter has voted incorrectly by mistake, or
- The voter was issued the wrong ballot.

If a poll worker must spoil a ballot, he or she shall:

1. Write in pen or permanent marker "SPOILED" across the front of the ballot, and
2. Place the ballot in the Spoiled Ballot Envelope
3. Issue the voter another ballot

NOTE: If a new ballot is issued to a voter, **do not** issue a new poll slip. Rather, put a line through the ballot stub number of the spoiled ballot on the poll slip, and write the new ballot number on the poll slip.

ABSENTEE VOTING OFFENSES

(W. Va. Code § 3-9-19)

(a) Any person who, with the intent to commit fraud, obtains, removes, or disseminates an absent voter's ballot, intimidates an absent voter, or completes or alters an absent voter's ballot, is guilty of a felony and, upon conviction thereof, shall be fined not less than \$10,000 nor more than \$20,000, imprisoned in a state correctional facility for not less than one nor more than five years, or both fined and imprisoned.

(b) Notwithstanding subsection (a) of this section, any person who, having procured an absent voter's official ballot or ballots, shall willfully neglect or refuse to return the same as provided in article three of this chapter, or who shall otherwise willfully violate any of the provisions of said article three of this chapter, is guilty of a misdemeanor and, on conviction thereof, shall be fined not more than \$250, or confined in jail for not more than three months. If the clerk of the county commission of any county, or any member of the board of ballot commissioners, or any member of the board of canvassers refuses or neglects to perform any of the duties required of him or her by any of the provisions of articles three, five and six of this chapter relating to voting by absentees or discloses to any other person or persons how any absent voter voted, he or she shall, in each instance, be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500, or confined in jail for not more than six months.

ABSENTEE VOTING QUICK REFERENCE

Absentee Category	Eligibility	Absentee Application	Ballot Delivery and Return
Regular (Mail)	• Injury, illness, physical disability, or advanced age • Incarcerated or serving home confinement for misdemeanor • Work hours and distance from the county seat Mail ballot to address outside of the county: • Attendance at school • Personal or business travel • Temporary work assignment (four years or less) • Service as an elected or appointed state or federal official	Voter may submit application to County Clerk: • In person • By postal mail • By fax • By email When may voter apply? • January 1 or no sooner than 84 days before the election • No later than the 6th day before the election • Voter must apply before each election in which he or she needs to vote absentee	Ballot delivery: • Send ballot within one day of receiving application once ballots are available • Begin sending ballots no later than the 46th day before the election Ballot delivery method: Postal mail Ballot return method: Postal mail or in person Ballot return deadlines: • Hand-delivered: Day before the election • Without postmark: Day after the election • Postmarked on or before the date of the election: Start of canvass
Regular (Electronic)	Voters who may request electronic return • Voter with a physical disability that prevents them from voting by in-person and mail-in absentee voting. • First responder applying for an electronic absentee ballot due to being called away on duty to respond to an emergency outside of their county of residence, which prevents them from voting by in-person and mail-in absentee voting. If selected, he or she must apply between the 13th day before the election and 5:00 p.m. on the day before the election	Voter may submit application to County Clerk: • In person • By postal mail • By fax • By email When may voter apply? • January 1 or no sooner than 84 days before the election • No later than the 6th day before the election • Voter must apply before each election he or she needs to vote absentee	Ballot delivery: • Send ballot within one day of receiving application once ballots are available • Begin sending ballots no later than the 46th day before the election Ballot delivery method: • Mail • Fax • Email • Online Ballot return method: • Mail • Fax • Email • Online Ballot return deadlines: • Fax, email, or online: Close of polls Election Day

			Postal mail (postmarked by Election Day): Start of canvass
Permanent/Special List	- Participation in the Address Confidentiality Program - A permanent, physical disability that prevents voter from going to the polling place	Voter may submit application: - In person - By postal mail - By fax - By email Where must voter apply? - Participants in ACP: Secretary of State - Voter with a permanent disability: County Clerk When may voter apply? - Any time - To vote in an upcoming election, the county clerk must receive the application by the 6th day before the election	Ballot delivery: - Send ballot within one day of receiving application once ballots are available - Begin sending ballots no later than the 46th day before the election Ballot delivery method: Postal mail Ballot return method: Postal mail or in person Ballot return deadlines: - Hand-delivered: Day before the election - Without postmark: Day after the election - Postmarked on or before the date of the election: Start of canvass

ABSENTEE VOTING QUICK REFERENCE 2

Absentee Category	Eligibility	Absentee Application	Ballot Delivery and Return
UOCAVA	- Members of uniformed services and merchant marines on active duty - Their spouses and dependents - United States citizens temporarily or permanently residing outside of the country	Voter may submit application to County Clerk: - In person - By postal mail - By fax - By email When may voter apply? - Beginning January 1 each calendar year or 84 days before the election, whichever is sooner - No later than the 6th day before an election	Ballot delivery: Voter may receive a ballot for every election in the calendar year in which he or she applies Ballot delivery method: - Postal mail - Fax - Email - Online delivery Ballot return method: - Postal mail - Fax - Email - Online Delivery Ballot return deadlines: - Fax, email, or online: Close of polls Election Day - Postal mail: Start of canvass
Authorized Late Registrants	- Members of a uniformed service of the United States who was on active duty and was discharged sixty days preceding the election - Members of the Merchant Marine - Individuals residing overseas by virtue of his or her employment in support of national security - Spouse or dependent living with an individual listed above	Voter may register to vote and receive an absentee ballot in person beginning the day following the close of registration up to the day before the election	Ballot delivery method: In person at County Clerk's office Ballot return method: Postal Mail Ballot return deadline: Start of canvass

Emergency	• In or expects to be in the hospital or licensed health care facility on Election Day • Replacement poll workers appointed after the period for early voting • In licensed health care facilities within an adjacent county or within 35 miles of the county seat (policy required) • In a nursing home within the county if he or she has resided there for a period of less than 30 days (policy required) • Confined on or after the 7th day before the election to a specific location within the county due to a disability or medical reason. The county clerk may require a written confirmation by a licensed physician, physician's assistant, or advanced practice registered nurse.	The following individuals may request an emergency absentee application and ballot from the County Clerk: • Voter • Voter's immediate family • Nursing home staff When must the individual make the request? No earlier than 7 days before the election and no later than noon Election Day	Ballot delivery: Team of commissioners delivers the application and ballot to the voter Ballot return method: Commissioners return application and ballot to County Clerk Ballot return deadline: Close of polls Election Day
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