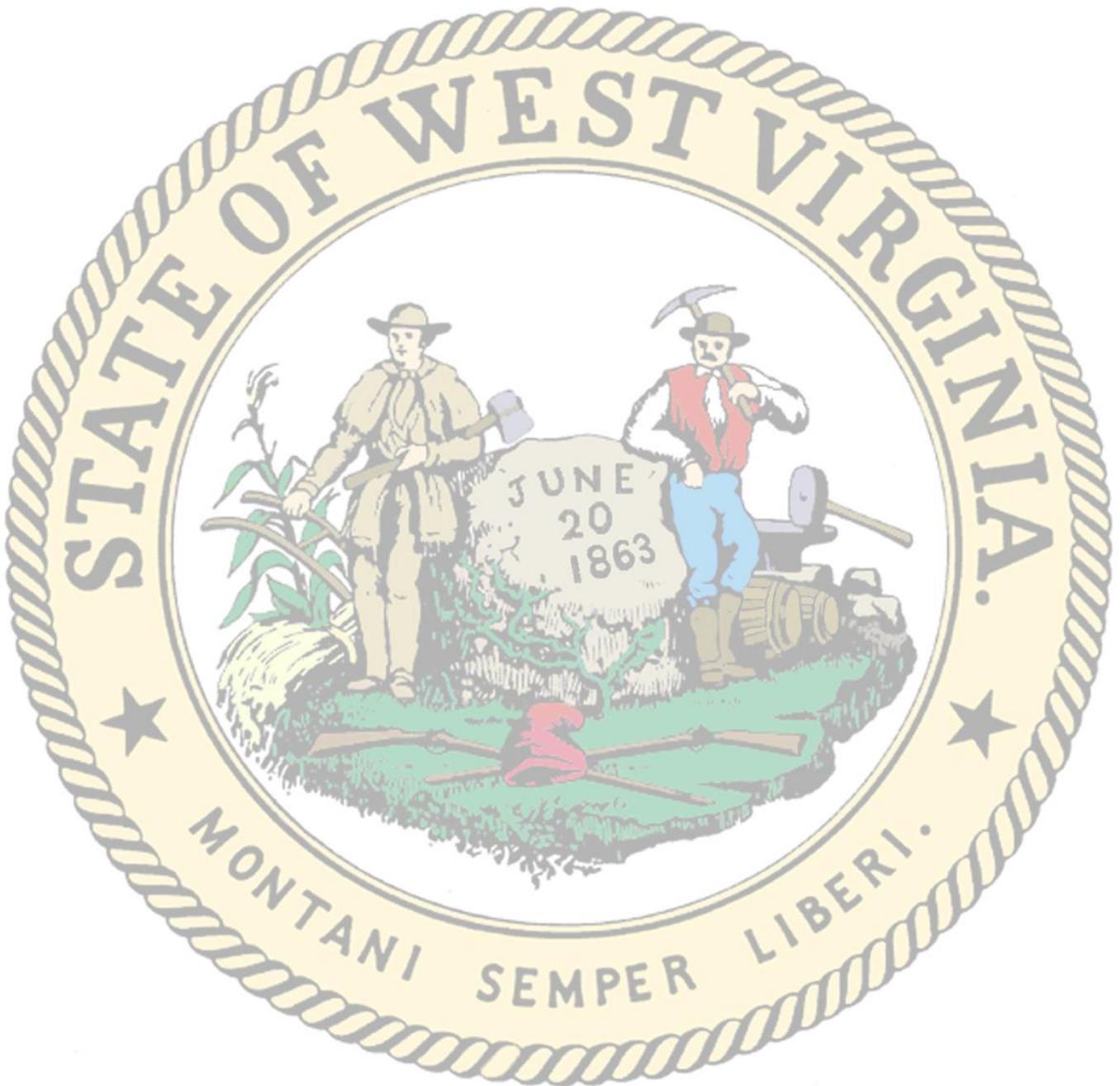


2016 BEST PRACTICES GUIDE FOR

ABSENTEE VOTING AND EARLY VOTING



WEST VIRGINIA SECRETARY OF STATE'S OFFICE
ELECTIONS DIVISION

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2016 ABSENTEE AND EARLY VOTING CALENDAR

PRIMARY ELECTION

Jan 1	First day to accept applications for absentee ballots from uniformed and overseas voters; these applications are valid for all elections in 2016. (§3-3-5(b)(1))
Feb 10	Deadline for County Commission to extend emergency absentee voting policy. A copy must be filed with the Secretary of State's Office. (§3-3-5c(a))
Feb 16	First day to receive applications for absentee ballots by mail from voters other than uniformed and overseas voters. (§3-3-5)
Mar 1	Deadline to estimate the number of absentee ballots needed. (§3-3-11(a))
Mar 15	Deadline for County Clerk to notify the County Commission the number of sets of emergency absentee ballot commissioners needed. (§3-3-5c(b))
March 22	County Commission appoints emergency absentee voting commissioners. (§§3-1-30 & 3-3-5c)
Mar 25	Absentee ballots must be delivered to the County Clerk. (§3-3-11)
Mar 25-May 4	Mail absentee ballots within one day of receiving completed applications. (§§3-3-5 & 3-3-11) (May 5 for applications received May 4)
Apr 14-Apr 20	Publish sample ballot for Early Voting. (§§3-6-3 & 59-3-1 et. seq.)
Apr 19	Voter registration deadline. (§3-2-6)
Apr 20-May 9	Authorized late voter registration accepted from certain uniformed and overseas voters. (§3-2-6a & CSR 153-44-1 et. seq.)
Apr 27-May 7	Early Voting is conducted during normal business hours. Additionally, Early Voting is conducted on the two Saturdays before Election Day from 9am to 5pm. (§3-3-3)
May 3-May 10	Receive requests for emergency absentee ballots until noon Election Day. (§3-3-5c(d))
May 4	Last day to accept absentee ballot applications. (§3-3-5(b)(1))
May 7	Last day for Early Voting. (§3-3-3)
May 9	Last day to accept hand delivered absentee ballots; no person may deliver more than two absentee ballots in any election. (§3-3-5(k))
May 10	PRIMARY ELECTION DAY 6:30am - 7:30pm
May 11	Last day to accept absentee ballots by mail without postmark. (except uniformed and overseas ballots) (§3-3-5)
May 16	Absentee ballots postmarked by Election Day and uniformed and overseas ballots with or without postmark accepted if received before canvass starts. (§3-3-5)

GENERAL ELECTION

Aug 10	Deadline for County Commission to extend emergency absentee voting policy. A copy must be filed with the Secretary of State's Office. (§3-3-5c(a))
Aug 16	First day to receive applications for absentee ballots by mail from voters other than uniformed and overseas voters. (§3-3-5)
Aug 30	Deadline to estimate the number of absentee ballots needed. (§3-3-11(a))
Sep 13	Deadline for County Clerk to notify the County Commission the number of sets of emergency absentee ballot commissioners needed. (§3-3-5c(b))
March 20	County Commission appoints emergency absentee voting commissioners. (§§3-1-30 & 3-3-5c)
Sep 23	Absentee ballots must be delivered to the County Clerk. (§3-3-11)
Sep 23-Nov 2	Mail absentee ballots within one day of receiving completed applications. (§§3-3-5 & 3-3-11) (Nov 3 for applications received Nov 2)
Oct 13 - 19	Publish sample ballot for Early Voting. (§§3-6-3 & 59-3-1 et. seq.)
Oct 18	Voter registration deadline. (§3-2-6)
Oct 19-Nov 7	Authorized late voter registration accepted from certain uniformed and overseas voters. (§3-2-6a & CSR 153-44-1 et. seq.)
Oct 26-Nov 5	Early Voting is conducted during normal business hours. Additionally, Early Voting is conducted on the two Saturdays before Election Day from 9am to 5pm. (§3-3-3)
Nov 1-Nov 8	Receive requests for emergency absentee ballots until noon Election Day. (§3-3-5c(d))
Nov 2	Last day to accept absentee ballot applications. (§3-3-5(b)(1))
Nov 5	Last day for Early Voting. (§3-3-3)
Nov 7	Last day to accept hand delivered absentee ballots; no person may deliver more than two absentee ballots in any election. (§3-3-5(k))
Nov 8	GENERAL ELECTION DAY 6:30am - 7:30pm
Nov 9	Last day to accept absentee ballots by mail without postmark. (except uniformed and overseas ballots) (§3-3-5)
Nov 14	Absentee ballots postmarked by Election Day and uniformed and overseas ballots with or without postmark accepted if received before canvass starts. (§3-3-5)

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 by mail. 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 are permanently disabled or part of the Address Confidentiality Program may be added to a list of voters to be mailed an absentee ballot for every election.

The County Clerk is responsible for 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. Finally, all absentee and early voting information must be entered into the Statewide Voter Registration System by the County Clerk or designated staff in order to meet federal requirements and provide the voter a means of tracking their ballot. The Secretary of State's Office offers this guide to assist election administrators in meeting the deadlines and requirements regarding absentee voting.

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

- **Regular absentee by mail**
- **Special Absentee Voting List**
- **Military and overseas (UOCAVA)**
- **Emergency absentee**

Applications for voting absentee may be sent to any of the four categories of voters by mail, fax, or e-mail. Applications may also be found at www.wvsos.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. You may also visit our website at www.wvsos.com.

REGULAR ABSENTEE BY MAIL

(WV 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:

- Injury or illness
- 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*

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

APPLYING FOR A 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. The County Clerk may accept applications for voting regular absentee between the eighty-fourth day and the sixth day before an election. A voter may submit the application to his or her County Clerk in person, by postal mail, by fax, or by e-mail.

SPECIAL ABSENTEE VOTING LIST

(WV Code §3-3-2b)

ELIGIBILITY

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

- Participation in the Address Confidentiality Program (ACP)
- A permanent, physical disability prevents 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. In order to be eligible for a ballot in the upcoming election, the voter must apply by the sixth 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
- 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

(WV Code §3-3-2b and §3-3-5)

BALLOT DELIVERY

Regular and special list absentee voters may only receive their ballots by postal mail. State Code requires the County Clerk to begin mailing ballots at least forty-six 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 day of receiving a completed application. The County Clerk mails ballots up to, and including, the sixth 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 template
 - Marked only with the title of the envelope and instructions for voting
 - To contain the voted ballot
- ✓ Absent Voter's Ballot Envelope No. 2 template
 - Postage paid
 - To contain the 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 special list absentee voters must return their voted ballots by postal mail or have the ballot delivered by hand. 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

MILITARY AND OVERSEAS (UOCAVA) VOTERS

(WV Code §3-3-1, §3-3-2, §3-3-5, §3-3-5a)

Voters covered by the [Uniformed and Overseas Citizens Absentee Voting Act \(UOCAVA\)](#) have an extended period to submit their absentee ballot applications and 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 the country

APPLYING FOR A BALLOT

UOCAVA voters may apply for an absentee ballot by submitting either the [Federal Postcard Application \(FPCA\)](#) or the [Absentee Ballot Application for UOCAVA Voters](#). The FPCA serves as both an absentee application and a voter registration form. 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 calendar year they apply. The deadline for submitting the application for an absentee ballot is the sixth day before the election.

BALLOT DELIVERY

UOCAVA voters may receive their ballots by postal mail, fax, e-mail, or online delivery. State Code requires the County Clerk to begin sending ballots to UOCAVA voters at least forty-six days before the election. Like regular absentee ballots, UOCAVA ballots must be mailed within one day of receiving a completed application once ballots are available.

UOCAVA Absentee Voting Materials (available from the [Secretary of State's Office](#))

- ✓ Waiver of privacy form for faxed and e-mailed ballots from UOCAVA voters
- ✓ Instructions for voting absentee by mail, fax, or e-mail
- ✓ Return and Security envelope templates
- ✓ Notice that a list of write-in candidates is available upon request
- ✓ 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. The Secretary of State's Office will then enter the voter's information into the SecureBallot system, and he or she will receive an e-mail with a link to access his or her ballot once it is available. County staff will receive training on SecureBallot prior to each election.

Federal Write-In Absentee Ballot (FWAB)

The [Federal Write-In Absentee Ballot \(FWAB\)](#) is a back-up ballot for UOCAVA voters who may not receive their absentee ballots in time to return it before the deadline.

A UOCAVA voter may vote a FWAB if he or she meets all the following conditions:

- Registered to vote in West Virginia
- Located outside of the United States (an APO/FPO address is considered outside the United States)
- Submitted an absentee ballot request in time for the County Clerk to receive it at least thirty days before the election
- Has not received his or her state absentee ballot

UOCAVA voters may submit the FWAB by mail, fax, or e-mail. The FWAB must be received before the close of polls on Election Day. If the County Clerk receives both the state absentee ballot and the FWAB, he or she should spoil the FWAB and count the state absentee ballot. For more information on the FWAB visit www.fvap.gov.

BALLOT RETURN

UOCAVA voters may return their ballots by postal mail, fax, or e-mail.

UOCAVA Ballot Return Deadlines

Fax or E-mail	→	The close of polls Election Day
Postal mail	→	The start of canvass

AUTHORIZED LATE REGISTRATION

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

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

ELIGIBILITY

An individual listed below who is otherwise eligible to register, and who is normally absent from the county or has been absent and returned after the voter registration deadline may qualify for authorized late registration:

- 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
- Individual residing overseas by virtue of his or her employment in support of national security
- Spouse or dependent living with an individual listed above

PROCEDURES

1. The applicant files a voter registration form 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 of application:
 - **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
 - **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 in order to confirm 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

(WV Code §3-1-29, §3-1-30, §3-3-1, §3-3-5, §3-3-5c)

Voters in the hospital on Election Day and last-minute replacement poll workers may request to have an application and ballot delivered to them. The County Commission may extend this policy to hospitals in adjacent counties or within thirty-five miles of the county seat and nursing homes within the county.

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 fifty-sixth day before the election. However, it is recommended that the County Commissioners notify the executive committees the number of emergency absentee voting commissioners needed at the time they give notice of the number of poll workers needed, which is eighty-four days before the election. The County Commission must appoint at least one team of emergency commissioners (two individuals of opposite political parties) no less than forty-nine days prior to an election and in the same manner they appoint election commissioners for Election Day. The emergency commissioners must be available during the period allowed for voting an emergency absentee ballot.

POLICY TO EXTEND EMERGENCY ABSENTEE VOTING

The County Commission 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 thirty days
- Voters who are in a hospital or other duly licensed health care facility within an adjacent county or within thirty-five miles of the county seat

This policy must be adopted at least ninety days before an election and a copy must be filed with the Secretary of State's Office. An emergency absentee voting policy is only valid for a single election; therefore, a policy must be filed for both the General and Primary Elections.

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 the Application for Voting an Emergency Absentee Voter's Ballot, Declaration of Emergency Absentee Ballot Commissioners (included with application), and absentee balloting materials (see page 5). The application along with the declaration can be found at www.wvsos.com.
3. When receiving the absentee voting materials, at least one commissioner must sign a receipt which is to 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 Absent Voter's Ballot Envelope No. 2 on the line provided for the "Name of person giving assistance."
5. The emergency commissioners return the application and voted ballot to the County Clerk and sign an 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 are made provisional.

Emergency Absentee Ballot Return Deadline

Delivery by emergency commissioners → The close of polls Election Day

DELIVERING PROVISIONAL ABSENTEE BALLOTS

(WV 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 tracking slip.

Note: If an absentee ballot is made provisional, enter challenge information in the section of the Statewide Voter Registration System for maintaining absentee ballots (see page 48 of the *SVRS User Manual*). Once the provisional absentee ballot is voted, enter whether the challenge was removed in both the section for maintaining absentee ballots and the section for entering voter history (see page 25 and page 48 of the *SVRS User Manual*).

REPLACING ABSENTEE BALLOTS CONTAINING AN ERROR

(WV Code §3-1-21)

If an error is found on the official ballot, the board of ballot commissioners may correct the error by either reprinting the ballots or printing stickers to place over the error. If an official ballot is changed after the period for mailing absentee ballots begins, the County Clerk should follow the procedures listed below:

- Do not process any absentee ballots until corrected labels are placed over the error or new ballots are received.
- Mail the corrected ballot to each voter who was sent the ballot with an error.
- Include with the ballot a letter clearly explaining the circumstances.
- **If the voter returns only the ballot containing the error**, make the ballot provisional. The board of canvassers should count all votes cast on the correct portion of the ballot, unless another valid challenge exists. It is up to the board of canvassers to determine how to count the improper portion of the ballot.

- **If the voter returns both the ballot containing the error and the corrected ballot**, spoil the ballot containing the error and make the corrected ballot provisional (because the voter has cast two ballots). If no other challenge exists, the board of canvassers should count the corrected ballot.
- **If the voter returns the corrected ballot only**, make the ballot provisional (because the voter still has the ballot with an error). If no other challenge exists, the board of canvassers should count the corrected ballot.
- Keep close record of all steps taken to correct ballots for absentee voting.

PROCESSING RETURNED ABSENTEE BALLOTS

(WV Code §3-3-5)

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

1. Complete the required information and provide signature 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. **Ballots received by mail and 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.
4. **Ballots received by fax or e-mail (UOCAVA only):** Place the ballot and voter’s waiver of privacy form in an envelope marked “Absentee by Electronic Means.” The County Clerk must keep a record of all ballots sent and received electronically.

EARLY VOTING

(WV Code §3-1-34, §3-1-36, §3-1-41, §3-3-2a, §3-3-3)

WV 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 before Election Day from 9am to 5pm. During this period, voters may cast a ballot without giving a reason.

EARLY VOTING LOCATIONS

The County Commission designates the courthouse or judicial annex as the primary location for Early Voting. They may also designate community voting locations with a majority vote from its members and approval from the County Clerk.

The County Commission must publish a notice of the intent to designate community voting locations as a Class II-0 legal advertisement at least thirty days prior to the designation of the location.

Electioneering is prohibited on the property of the county courthouse, judicial annex, or any community voting location during the entire period of Early Voting - no person may solicit voters, display or distribute any literature, posters or material of any kind which tends to influence the voting for or against any candidate or public question.

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, and parking

DESIGNATING COMMUNITY VOTING LOCATIONS

The County Commission must publish a notice of its intent to designate community voting locations as a Class II-0 legal advertisement at least thirty days prior to the designation.

Community voting locations shall comply with the requirements for early-in person voting at the courthouse location.

EARLY VOTING REPRESENTATIVES

The County Clerk assigns at least two individuals of opposite political parties to assist with Early Voting; 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.

Other than the measures taken to accommodate voters from various precincts casting ballots at one location, representatives should follow the same rules and procedures for Early Voting as those for Election Day. Please refer to WV Code, poll worker training materials, and voting system manuals for more details on election procedures.

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, voter’s rights, instructions for voting.

- ✓ Poll book or ePollbook
- ✓ List of Absentee and Early Voters, updated daily
- ✓ Assisted Voter’s Oath and list

iVotronic:

- ✓ Personal Electronic Ballots (PEBs)
- ✓ Provisional Ballot Reason Forms
- ✓ Provisional Ballot Tracking Forms
- ✓ Provisional Ballot Envelope #2 and #3

- ✓ Spoiled ballot privacy shields

Optical Scan and Paper Ballot:

- ✓ Ballots
- ✓ Provisional Ballot Tracking Forms
- ✓ Provisional Ballot Envelopes #1, #2, and #3
- ✓ Spoiled Ballot Certificate and Envelope
- ✓ Secrecy Sleeves

EARLY VOTING PROCEDURES

The voter states his or her name and residence to the early voting representatives and signs the poll book. If the voter is properly registered, the two representatives issue a ballot to the voter according to the procedures for the voting system in use:

iVotronic:

1. Circle the voter's party on the poll ticket slip and hand it to the voter.
2. Escort the voter to voting booth, activate the iVotronic, and select the voter's precinct number and ballot.
3. Leave the voter to cast ballot.
4. When voter returns, string the poll ticket slip.
5. Secure voting machines at the end of each day of Early Voting.
6. Upon the conclusion of the Early Voting period, representatives should follow the steps below:
 - a. Remove voter verifiable paper ballot roll, place it in envelope, and seal and sign the envelope.
 - b. Use Master PEB to close each terminal.
 - c. It is up to the County Clerk whether the representatives remove and store the flash cards containing vote totals.
 - d. Secure Early Voting materials and deliver to the County Clerk.
 - e. The County Clerk secures materials until the time of counting after the polls close on Election Day.

Optical scan ballot:

1. Both representatives sign the back of the ballot.
2. Write ballot stub number on poll ticket slip (during a primary election, also record which party's ballot is issued to the voter).
3. Give voter the ballot, poll ticket slip, and secrecy sleeve.
4. Voter proceeds to voting booth or AutoMARK to mark ballot.
5. When voter returns ballot, remove ballot stub and place into ballot box using the secrecy sleeve. If an M100 is used, the voter places the ballot into the machine.
6. Secure ballot boxes at the end of each day of Early Voting.
7. The County Clerk is responsible for securing the ballot boxes until the time for counting after the polls close on Election Day.

Paper ballot:

1. Both representatives sign the back of the ballot.
2. Write the number from the ballot stub on the poll ticket stub.
3. Give voter the ballot and poll ticket stub.
4. Voter proceeds to voting booth to mark ballot.
5. When voter returns the ballot, remove ballot stub, place ballot in an envelope marked with precinct number, seal the envelope, and place ballot into a ballot box.
6. Secure ballot boxes at the end of each day of Early Voting.
7. The County Clerk is responsible for securing the ballot boxes until the time to send to the precincts on Election Day.

PROVISIONAL VOTING

If representatives determine that an individual is not properly registered, 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.

iVotronic:

1. Complete challenge details on the *Provisional Ballot Reason Form*.
2. Provide the voter a *Provisional Ballot Tracking Form*.
3. Escort the voter to voting booth, activate the iVotronic, and select provisional ballot from the screen.
4. Enter the tracking number from the *Reason Form* in the iVotronic.
5. Select the voter's precinct and ballot.
6. Leave voter to cast ballot.
7. Place the *Reason Form* into *Provisional Ballot Envelope #2*, and write the voter's precinct on the envelope.
8. Place envelope into *Provisional Ballot Envelope #3*.

Optical Scan and Paper Ballot:

1. Complete challenge details on *Provisional Envelope #1* and sign envelope.
2. Provide the voter a *Provisional Ballot Tracking Form* and a ballot - **do not sign the back of the ballot.**
3. When voter returns, place ballot into *Provisional Envelope #2* and write the voter's precinct number on envelope.
4. Place all envelopes into *Provisional Envelope #3*.

ASSISTANCE IN VOTING

A voter may request assistance in voting for the following reasons:

- Blindness
- Disability
- Advanced Age
- 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 Early Voting representatives must record every person who receives assistance on the [List of Assisted Voters and Assistants' Oaths](#) form. The person of the voter's choice or the Early Voting representatives assigning the voter must sign the form, indicating completion of oath.

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 to the voter by following the procedures below.

iVotronic:

1. A ballot may only be canceled if the voter has not confirmed the ballot.
2. The two representatives go to the voting booth and provide voter secrecy shields to hide the screen and the paper trail.
3. Insert activator PEB to bring up menu and remove secrecy shields.
4. Select "cancel ballot" and confirm.
5. Remove PEB and activate new ballot.

Optical Scan and Paper Ballot:

1. Write "spoiled" across the front of the ballot.
2. Place the ballot in the *Spoiled Ballot Envelope* and issue the voter a new signed ballot - **do not issue a new poll slip.**
3. Put a line through the spoiled ballot number on the poll slip and write in new ballot number.

BALLOT COUNTING PROCEDURES FOR ABSENTEE AND EARLY VOTING

(WV Code§3-4A-27 and §3-6-6)

Absentee and Early Voting ballots are tabulated at the close of the polls on election night in accordance with the procedures for the voting system in use.

- **iVotronic and Optical Scan system:** tabulate absentee and Early Voting ballots at the central counting center
- **Paper ballot system:** deliver absentee and Early Voting ballots to the precincts for counting

IVOTRONIC

Transmitting paper absentee ballots to iVotronic:

1. The ballot boxes containing paper absentee ballots are delivered to the central counting center and opened in the presence of the County Clerk and two representatives of opposite political parties.
2. Separate ballots by precinct in order to process them one precinct at a time.
3. Verify that the number of absentee ballots is equal to the number of voters on the absentee voter list.
4. Do not complete poll ticket for absentee ballots – the application serves as a poll ticket.
5. Detach and string ballot stub if applicable.
6. Separate ballots from envelopes (mail ballots) and privacy waivers (fax/e-mail ballots). Shuffle ballots to maintain voter privacy.
7. The County Clerk designates a terminal for absentee ballot tabulations, and two representatives read aloud and enter each absentee ballot on the machine. Process is repeated for all precincts.

Tabulating early and absentee ballots:

1. Perform *Pre Tabulation Test* (page 41 of iVotronic manual).
2. Upload Early Voting and Absentee Ballot results from flashcards to the card reader (page 44 of iVotronic manual). Write-in votes are tabulated simultaneously with the other votes. Provisional ballots are not tabulated at this time – the flash cards will be sent to canvass for their review.
3. All ballots must be accounted for – one way is to compare public count numbers to early voting and absentee voting lists.

OPTICAL SCAN

1. Ballot boxes containing early and absentee ballots are delivered to the central counting center and opened in the presence of the County Clerk and two representatives of opposite political parties.
2. Open mail absentee ballots and remove and string the ballot stubs.
3. Two representatives of opposite political parties duplicate fax and e-mail ballots onto an optical scan ballot and process them as mail absentee ballots.
4. Early and absentee ballots are delivered to the tabulator and ballots with write-in votes are separated.
5. Write-in votes are tallied.
6. Vote tallies are combined with precinct totals – early and absentee ballots are not reported separately from the precinct totals.
7. Process is repeated for all precincts.
8. All ballots must be accounted for – one method is to compare the number of ballot envelopes, the number of early voted ballots, and lists of early and absentee voters.

PAPER BALLOT

1. The County Clerk and two representatives of opposite political parties open the ballot boxes containing Early Voting ballots and separate the envelopes containing ballots by precinct; this process is repeated for absentee ballots.
2. Early and absentee ballots are delivered to the appropriate precincts – ballots, applications, stubs, and lists are sealed in a carrier envelope and given to the poll worker with precinct supplies.
3. At the close of polls, the counting board counts the number of envelopes containing ballots from early and absentee voting. The board must verify that the number of Early Voting ballots is equal to the number of voters on the early voting list and that the number of absentee ballots is equal to the number of voters on the absentee list.
4. Open each envelope containing an Early Voting ballot, and place in the Election Day ballot box.
5. Open each envelope containing absentee ballots and detach ballot stub if applicable. Do not complete a poll ticket for absentee ballots – the application serves as a poll ticket. String ballot stubs, and keep separate from Election Day ballot stubs. Place in the Election Day ballot box.
6. All ballots must be accounted for – one method is to compare the number of ballot envelopes, the number of early voted ballots, and lists of early and absentee voters.

ABSENTEE VOTING OFFENSES

(WV Code §3-9-19)

Any person who commits absentee voting fraud shall be guilty of a felony and, upon conviction, shall be fined \$10,000 to \$20,000 and/or imprisoned in a state correctional facility one to five years.

Any person who agrees to deliver or mail an absent voter's ballot but neglects to return it to the County Clerk is guilty of a misdemeanor.

Any official who neglects any of the duties required of him or her relating to absentee voting or who discloses how an absent voter voted is guilty of a misdemeanor.

ABSENTEE VOTING QUICK REFERENCE

Absentee Category	Eligibility	Absentee Application	Ballot Delivery and Return
Regular	<ul style="list-style-type: none"> • Injury, illness, physical disability, or advanced age • Incarcerated or serving home confinement for misdemeanor • Work hours and distance from the county seat <p>Mail ballot to address outside of county:</p> <ul style="list-style-type: none"> • Attendance at school • Personal or business travel • Temporary work assignment (four years or less) • Service as an elected or appointed state or federal official 	<p>Voter may submit application to County Clerk:</p> <ul style="list-style-type: none"> • In person • By postal mail • By fax • By e-mail <p>When may voter apply?</p> <ul style="list-style-type: none"> • 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 	<p>Ballot delivery:</p> <ul style="list-style-type: none"> • Send ballot within one day of receiving application once ballots are available. • Begin sending ballots no later than the 46th day before the election. <p>Ballot delivery method: Postal mail Ballot return method: Postal mail Ballot return deadlines:</p> <ul style="list-style-type: none"> • Hand-delivered: Day before the election • Without postmark: Day after the election • Postmarked on or before the date of the election: Start of canvass
Special List	<ul style="list-style-type: none"> • Participation in the Address Confidentiality Program • A permanent, physical disability that prevents voter from going to the polling place 	<p>Voter may submit application:</p> <ul style="list-style-type: none"> • In person • By postal mail • By fax • By e-mail <p>Where must voter apply?</p> <ul style="list-style-type: none"> • Participants in ACP: Secretary of State • Voter with a permanent disability: County Clerk <p>When may voter apply?</p> <ul style="list-style-type: none"> • Any time • To vote in the upcoming election, the County Clerk must receive the application by the 6th day before the election. 	<p>Ballot delivery:</p> <ul style="list-style-type: none"> • Send ballot within one day of receiving application once ballots are available • Begin sending ballots no later than the 46th day before the election <p>Ballot delivery method: Postal mail Ballot return method: Postal mail Ballot return deadlines:</p> <ul style="list-style-type: none"> • Hand-delivered: Day before the election • Without postmark: Day after the election • Postmarked on or before the date of the election: Start of canvass

<p>UOCAVA</p>	<ul style="list-style-type: none"> • 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 	<p>Voter may submit application to County Clerk:</p> <ul style="list-style-type: none"> • In person • By postal mail • By fax • By e-mail <p>When may voter apply?</p> <ul style="list-style-type: none"> • Beginning January 1 each calendar year or 84 days before the election, whichever is sooner • No later than the 6th day before an election 	<p>Ballot delivery: Voter may receive a ballot for every election in the calendar year in which he or she applies.</p> <p>Ballot delivery method:</p> <ul style="list-style-type: none"> • Postal mail • Fax • e-mail • Online delivery <p>Ballot return method:</p> <ul style="list-style-type: none"> • Postal mail • Fax • e-mail <p>Ballot return deadlines:</p> <ul style="list-style-type: none"> • Fax or e-mail: Close of polls Election Day • Postal mail: Start of canvass
<p>Authorized Late Registrants</p>	<p>An individual listed below, who is normally absent from county or has been absent and returned after the voter registration deadline.</p> <ul style="list-style-type: none"> • 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 • Individual residing overseas by virtue of his or her employment in support of national security • Spouse or dependent living with an individual listed above 	<p>Voter may register to vote and receive and absentee ballot in person beginning the day following the close of registration up to the day before the election.</p>	<p>Ballot delivery method: In person at County Clerk’s office</p> <p>Ballot return method: Postal Mail</p> <p>Ballot return deadline: Start of canvass</p>
<p>Emergency</p>	<ul style="list-style-type: none"> • In the hospital 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 nursing home within the county if he or she has resided there for a period of less than 30 days (policy required) 	<p>The following individuals may request an emergency absentee application and ballot from the County Clerk:</p> <ul style="list-style-type: none"> • Voter • Voter’s immediate family • Nursing home staff <p>When must the individual make the request? No earlier than 7 days before the election and no later than noon Election Day</p>	<p>Ballot delivery: Team of commissioners delivers the application and ballot to the voter</p> <p>Ballot return method: Commissioners return application and ballot to County Clerk</p> <p>Ballot return deadline: Close of polls Election Day</p>