

# **ABSENTEE & EARLY VOTING**

**WV Office of the Secretary of State**

**Brittany Westfall**

**Elections Division**

## Absentee Ballots – Calendar June 11, 2013 Municipal Elections

January 1	First day to receive absentee ballot applications from military and overseas voters
March 13	Deadline to adopt emergency absentee voting policy (optional)
March 19	First day to receive absentee ballot applications from all other voters
April 2	Deadline to estimate the number of absentee ballots needed
April 26	Absentee ballots must be delivered to the recorder
April 26 – June 5	Mail absentee ballots within 1 day of receiving a completed application if the ballots are available
June 5	Deadline to submit absentee ballot application
June 10	Last day to receive a hand-delivered absentee ballot
June 4 – June 11	Receive emergency absentee ballot application (request can be no later than noon Election Day)
June 11	Election Day and the last day to accept absentee ballots by mail, fax, or email
June 12	Deadline to accept absentee ballots (without postmark)
June 17	Deadline for military and overseas absentee ballots or those postmarked by U.S. Postal Service by June 11 accepted until the start of canvass

# Who can apply for an absentee ballot?

WV Code 3-3-1

Individuals not able to vote in person during early voting or on Election Day due to...

- Personal or business travel
- Attendance at college or other place of education or training
- Injury or illness
- Disability
- Incarceration (except for individuals convicted of any felony, treason, or election bribery)
- Authorized late registrants
- UOCAVA status (military and overseas voters)
- Work hours and distance
- Participation in the Address Confidentiality Program
- Temporary residence outside of the county
- Inaccessible early voting site and polling place

# Absentee Voters

- 1. Regular absentee by mail:** applications accepted starting 84 days before the election and ending 6 days before the election
- 2. Special absentee voting list:** contact your county clerk for a list of voters on the special absentee voting list
- 3. Military and overseas:** applications accepted starting January 1 of the election year (or 84 days before the election, whichever is sooner) and are valid for all elections in that year – contact your county clerk to check for military and overseas voters applying for this election year
- 4. Emergency Absentee:** applications are accepted no earlier than the seventh day before the election and no later than noon Election Day

### West Virginia Absentee Ballot Application

You must apply separately for each election. \*Applications may be received no earlier than 84 days before an election and no later than 8 days before an election.\*  
 \*Does not apply to reason #8 and #7 — see reason #8 and #7 for details.

Applying for (select one): <input type="checkbox"/> Federal, State or County election <input type="checkbox"/> Municipal Election
Election Type (select one): <input type="checkbox"/> Primary Election <input type="checkbox"/> General Election <input type="checkbox"/> Special Election
For Primary Elections only, choose ballot: <input type="checkbox"/> Democratic <input type="checkbox"/> Republican <input type="checkbox"/> Mountain <input type="checkbox"/> Non-Partisan <small>Note: If you are registered with the Democratic, Republican or Mountain party, you may only receive that party's primary ballot. Voters unaffiliated with any of these parties may select a party ballot or a non-party ballot, subject to party rules governing ballot access for non-party voters.</small>
Current Name and WV Residence Address: (If this is a new name/address, please complete the information change form on page 2 of this application) Name: _____ Date of Birth: ____/____/____ County: _____ Street: _____ City: _____ Zip Code: _____
Mail Ballot To: (Must be outside county of residence if reason checked is #1, 2, 6, 10 or 11) Street: _____ Phone: _____ City: _____ State: _____ Zip Code: _____ Country: (if outside the U.S.) _____

I am applying for an absentee ballot for the following reason: (Check only ONE box below)

**A. I am not able to vote in person during the early voting period or on Election Day due to:**

1. Personal or business travel.

2. Attendance at \_\_\_\_\_ college, university or other place of education or training.

3. Illness, injury or other medical reason which keeps me confined. Please provide the name and telephone number of the doctor who may confirm that you are unable to vote in person.  
 Doctor's Name \_\_\_\_\_ Telephone # \_\_\_\_\_

4. Immobility due to advanced age or a physical disability.

5. Incarceration or detention in jail or home. I am not under conviction of any felony, of treason or of bribery in an election (including any period of probation or parole). You must complete the statement on Page 2 of this form if reason #5 is checked.

6. I am an absent Uniformed Service member, spouse or dependent, or an overseas voter as defined by the Uniformed and Overseas Citizens Absentee Voting Act of 1986. You may submit this application as early as January 1 of an election year.  
 Check here to receive ballots for all elections in a calendar year. Indicate party designation in "Primary" section (above).  
 I would like to receive my ballot by:  Mail (enter address above)     Fax (enter below)     E-mail (enter below)  
 Fax # (include country code, where applicable) \_\_\_\_\_ E-mail (print clearly) \_\_\_\_\_

7. I was an absent Uniformed Service member, spouse or dependent, and have been discharged from active duty during the 60 days preceding the election. In this case, the voter will be required to cast a provisional absentee ballot by mail after first registering to vote in person at the office of the county clerk.

8. Employment which because of hours worked and distance from the county seat makes voting in person impossible.

9. I am a participant in the Address Confidentiality Program (ACP) with the Office of the Secretary of State.

**B. I am required to live temporarily outside my county of residence because of:**

10. Service as an elected or appointed state or federal officer.

11. Temporary assignment by my employer for a specific period of four years or less.

**C. I am not able to vote during the period of early voting or on Election Day because:**

12. The county absentee voting office and my polling place are inaccessible to me due to my physical disability.

I do hereby certify the information given above is true to the best of my knowledge, that I reside at the address given, and that I am qualified and registered to vote in this county. I understand that I must vote in person if I can. Understand that making a false statement on this application is a crime punishable by a fine up to \$1000 and up to one year imprisonment. If I require assistance with my ballot, the reason for the assistance is stated below and the person who will assist me has signed this form.

Signature/Mark of Voter (if "mark," witness must sign this form) \_\_\_\_\_ Signature of person assisting voter/witness to voter's mark (if needed) \_\_\_\_\_

Reason for assistance, if needed \_\_\_\_\_

Mail, Fax or attach this completed/signed form in an E-mail to your County Clerk's Office.  
 Visit [www.wvsos.com](http://www.wvsos.com) for County Clerk contact information.

### Voter's Change of Name/Address

Previous Name and/or WV Residence Address: (List your current name/residence address where indicated on page 1 of this form.)

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ County: \_\_\_\_\_

Street: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

### Statement of Sheriff, Chief of Police or Authorized Deputy

(To be completed for applicants who are ineligible because of incarceration or detention)

I, \_\_\_\_\_, hereby declare that the applicant whose signature appears on this application will be confined in the county or city jail or other detention facility or home confinement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the date of the election, and is not under conviction of treason, bribery in an election, or felony.

Name of Detention Facility \_\_\_\_\_ Signature \_\_\_\_\_

City/County \_\_\_\_\_ Title \_\_\_\_\_

### IMPORTANT REMINDER FOR ALL APPLICANTS

- You may NOT vote in person at the polls on Election Day if you have cast an absentee ballot
- This application must be RECEIVED by your county clerk (or municipal clerk for city elections) NO LATER THAN the 8th day before the election. If you are an ACP participant please send your application to the Office of the Secretary of State. \*subject to municipal charter provisions
- More information on voter registration and elections, including county clerk contact information, may be found at [www.wvsos.com](http://www.wvsos.com).

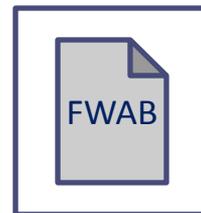


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# Military and Overseas Voters

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

- Military and overseas voters may submit the WV Absentee Ballot application or the Federal Post Card Application (FPCA)
- Military and overseas voters may choose to have their ballot mailed, faxed, or e-mailed
- Federal Write-In Absentee Ballot (FWAB)
- Visit [www.fvap.gov](http://www.fvap.gov) for information needed to assist individuals covered by The Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA)



# Federal Post Card Application (FPCA) Voter Registration and Absentee Ballot Request

A quick, simple, complete, electronic version of this form is also available on FVAP.gov. For any questions about this form, contact your Voting Assistance Officer or the Voting Assistance Guide available in hard copy on FVAP.gov. Please print in black ink.

I request an absentee ballot for all elections in which I am eligible to vote AND:

Classification (Mark only 1 selection)

1  I am a member of the Uniformed Services of Merchant Marines on active duty OR  I am the spouse or dependent of a U.S. citizen residing outside the U.S., and I intend to return.

I am a U.S. citizen residing outside the U.S., and I do not intend to return.

I am a U.S. citizen otherwise covered military/overseas voting rights under State law (check the Voting Assistance Guide)

Political Party 2 To vote in primary elections, your State may require you to specify a political party

Your legal name 3 Last name \_\_\_\_\_ Suffix \_\_\_\_\_  
First name \_\_\_\_\_ Middle name \_\_\_\_\_  
Previous name (if applicable) \_\_\_\_\_

Identification 4 Sex  M  F Race \_\_\_\_\_ Birth date \_\_\_\_\_  
State Driver's License or ID \_\_\_\_\_  
OR Social Security Number \_\_\_\_\_

Contact information 5 Telephone \_\_\_\_\_  
Fax \_\_\_\_\_  
Email \_\_\_\_\_  
Alternate Email \_\_\_\_\_

Ballot receipt 6 I prefer to receive my ballot, as permitted by my State, by:  Email  Home  Mail  Fax  
(mark from 1-3 in order of preference; be sure you mark correct information is provided above)

U.S. address for voting purposes 7 Street Address (not PO Box) \_\_\_\_\_ Apt # \_\_\_\_\_  
City/Town/Village \_\_\_\_\_  
County \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Address where you live now 8 This is different from above. Your voting instance will be sent here, unless you specify a forwarding address in Box 3.

Additional requirements for your State 9 Such as: mail to voting address, additional phone, or other State required information. See your State's pages in the Voting Assistance Guide or FVAP.gov.

**Affirmation (REQUIRED):** I swear or affirm, under penalty of perjury, that:

- I am a member of the Uniformed Services of Merchant Marines on active duty or an eligible spouse or dependent of such a member; or a U.S. citizen temporarily residing outside the U.S., or other U.S. citizen residing outside the U.S. - I am a U.S. citizen, at least 18 years of age (or 16 by the day of the election), eligible to vote in the requested jurisdiction; - I have not been convicted of a felony or other disqualifying offense or been adjudicated mentally incompetent, and so, my voting rights have been restored; - I am not registering, requesting a ballot, or voting in any other jurisdiction in the U.S.; - My signature and date herein indicate when I completed this document;

The information on this form is true and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.

I am a member of the Uniformed Services of Merchant Marines on active duty OR I am the spouse or dependent of a U.S. citizen residing outside the U.S., and I intend to return.

Signature \_\_\_\_\_ (Print this form, sign, and send in)

Today's date \_\_\_\_\_

Witness signature: \_\_\_\_\_ (Required by your State. See the Voting Assistance Guide or FVAP.gov.)

Signature \_\_\_\_\_  
Date \_\_\_\_\_

# Federal Post Card Application (FPCA) Instructions

- The gray numbers and instructions below correspond to the gray numbered boxes on this form.
- The classification you choose determines in which elections you will be allowed to vote. Check the one that best represents your current situation.
  - If you own a vehicle, primary election, most States require you to specify a political party. Check your State's pages in the Voting Assistance Guide on FVAP.gov to see if your State requires you to specify a political party.
  - The information you enter for your name should match the information you normally put on a legal or official form. For example, it should include a surname name that appears on your driver's license or other government-issued ID.
  - While most States allow you to enter either your driver's license number or the last 4 digits of your Social Security Number, some will invalidate the form without your Social Security Number. Check your State's pages in the Voting Assistance Guide on FVAP.gov to see if your State requires the full SSN. Also, many States ask that you provide your race or ethnic group. It is important to determine that they are complying with the Voting Rights Act and the National Voting System Act.
  - If there are any questions or problems with your form, local election officials will use this information to contact you. An e-mail address is the simplest and fastest way for them to do so. Your e-mail address will be used to send you a ballot and to send you a ballot box if you request it and your State allows it. Indicate an alternate phone number in Box 5 if necessary.
  - Indicate your preferred method for receiving your ballot by marking each box 1, 2, and 3. All three will be done and you will receive a ballot to mail, and overseas voters by alternate one of the following: e-mail or the download center. If requested, check your State's pages in the Voting Assistance Guide on FVAP.gov to see what your State allows. You can always get your absentee ballot by mail.
  - This determines the jurisdiction where you vote. For military voters the

A quick, simple, complete, electronic version of this form is also available on FVAP.gov. For any questions about this form, contact your Voting Assistance Officer or the Voting Assistance Guide available in hard copy on FVAP.gov.

- Write address in your legal U.S. residence. For overseas citizens this is usually the U.S. address where you live best. You do not need to have any current physical file to this address. Do not use a post office box number. If there is no mail to that address, enter the return address and last name.
- Enter the address where you want voting materials delivered by mail. Voting materials will be sent to this address unless you enter a forwarding address in Box 3.
- Enter anything here that would help ensure that your ballot is accepted. Check on a State's pages in the Voting Assistance Guide on FVAP.gov for sending your ballot by specific mail or other. For example, some States require use of a specific carrier in the U.S., specific method of registration, overseas stamps, or witness address.
- If you want your voting materials to be sent some way other than where you live now, write that alternate forwarding address here. Provide an alternate phone number here.

**Affirmation:** Read this carefully. It is what you are agreeing to under oath and penalty of perjury by filling out and sending in this form. Some States require they print their full names. Check the Voting Assistance Guide on FVAP.gov for your State's requirements.

## Privacy Act Statement

Authority: The authority to collect your personal information on this form comes from 52 USC 10201, Uniform and Overseas Citizens Absentee Voting Act (UCOVA).

Purpose: Purpose: This form serves as an application for registration and/or request for absentee ballot for all persons covered by UCOVA.

Disclosure: Your disclosure of personal information is voluntary. However, failure to provide the requested personal information may leave the partner jurisdiction from processing this request and may prevent you from voting absentee.

From: \_\_\_\_\_  
(Your name and current complete military or overseas mailing address)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



International airmail postage is required if mailed in the U.S. Postal Service, APO/FPO system, or click mail to reach.

OFFICIAL ABSENTEE BALLOTING MATERIAL - FIRST CLASS MAIL

NO POSTAGE NECESSARY IF MAILED IN THE U.S. MAIL - CIVIL RIGHTS

To: \_\_\_\_\_  
(Check your State's pages in the Voting Assistance Guide on FVAP.gov for your local election official name and post)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



# Estimating the number of absentee ballots needed

WV Code 3-3-11(a)

- WV Code does not prescribe the number of ballot required for Early Voting and absentee voting
- The number of absentee and Early Voting ballots should be calculated separately from regular ballots for election day
- The recorder (or official designated to supervise and conduct absentee voting) estimates the number of absentee ballots needed at least 70 days before the election
- Absentee ballots must be delivered to the recorder 46 days before the election
- All absentee balloting materials, such as forms and envelopes, should be ordered early in the year

# Mailing Absentee Ballots

WV Code 3-3-1 & 3-3-5

- The recorder begins mailing absentee ballots 46 days before the election up to, and including, the 6<sup>th</sup> day before the election
- Once absentee ballots are available, they must be mailed within one day of receiving a completed application
- Except for military and overseas voters, all absentee voters must receive their ballots by mail

# Mailing Absentee Ballots

WV Code 3-3-5

When the recorder determines that an absentee ballot application is complete, and the voter meets the requirements for voting, he or she mails...

- ✓ The official ballot
  - ✓ Two registered voters of opposite political parties sign the back of the official ballot
- ✓ Envelopes:
  - “Absent Voter’s Ballot Envelope No. 1” to contain the voted ballot
  - “Absent Voter’s Ballot Envelope No. 2” 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
- ✓ Any other supplies required for voting in the particular voting system

# Transmitting Absentee Ballots to Military and Overseas Voters

WV Code 3-3-5

- Depending on the voter's preference, the recorder mails, faxes, or emails...
  - ✓ The official ballot
  - ✓ Email, fax, and mail return instructions
  - ✓ Return Envelope
  - ✓ Security Envelope
  - ✓ Oath of Voter
  - ✓ Electronic Transmission Coversheet

# Absentee Ballot Return Deadlines

WV Code 3-3-5

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Hand-delivered (a person can deliver no more than two absentee ballots)	The day before the election
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By mail, email, or fax	The close of polls on election day
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By mail without postmark	The day after the election
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By mail postmarked with a date on or before the date of the election	The start of canvass
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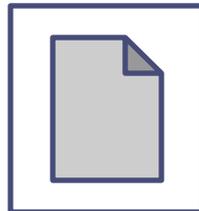
Military and overseas absentee ballots regardless of postmark	The start of canvass
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# Emergency Absentee Voting

WV Code 3-3-1(c) & 3-3-5c

- Who is eligible?
  - A voter in the hospital on Election Day
  - Depending on city policy, a voter who has resided in a nursing home within the county for less than 30 days
  - A replacement poll worker assigned to a precinct out of his or her voting district, if the assignment was made after the 10 day Early Voting period



Emergency Absentee Voter's Ballot Application

# Emergency Absentee Voting Cont.

WV Code 3-3-5c

- A city may extend emergency absentee voting to nursing homes within the county and/or hospitals in surrounding counties within 35 miles
- On or before the 56 days preceding the election (April 16 for June 11 elections), the recorder (or person designated to supervise and conduct absentee voting) notifies the city council how many teams of emergency absentee ballot commissioners he or she finds necessary
- The city council appoints at least one team of emergency absentee ballot commissioners (two people of opposite political parties) at least 49 days before the election (April 23 for June 11 elections)
- The emergency absentee ballot commissioners must be available the day before and the day of the election
- If the voter is assisted in voting his or her ballot, follow procedures for assisting voters as provided in WV Code 3-1-34(5)

### STATE OF WEST VIRGINIA

Application for Voting an Emergency Absent Voter's Ballot  
According to the Provision of WV Code §3-3-5c

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
\_\_\_\_\_

County of Residence: \_\_\_\_\_

Political Party Affiliation: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Reason for Requesting an Emergency Absentee Ballot: (check only one box)

I am confined in a hospital or other health care facility within my county of residence or other authorized area on election day;

\_\_\_\_\_  
Name of Attending Physician

Physical Address of Place of Confinement: \_\_\_\_\_  
\_\_\_\_\_

Reason of Confinement: \_\_\_\_\_  
\_\_\_\_\_

I have resided for less than 30 days in a nursing home within my county of residence and am unable to vote in person (provided the county commission has adopted a policy extending emergency absentee voting procedures to such situation).

Knowing that I can be fined not more than one thousand dollars or imprisoned in the county jail for a period of not more than one year or both such fine and imprisonment for knowingly making a false statement or representation herein, as provided in Section three, Article nine, Chapter three of the Code of West Virginia, I do hereby certify that the statements and declarations contained in this application are true and correct to the best of my knowledge and belief.

Signature of Voter/Voter's Immediate Family Member \_\_\_\_\_

Relationship to Voter \_\_\_\_\_

(EMERGENCY BALLOT COMMISSIONERS... COMPLETE REVERSE SIDE)

### DECLARATION OF EMERGENCY ABSENTEE BALLOT COMMISSIONERS WV Code §3-3-5c(f)

We, \_\_\_\_\_ and \_\_\_\_\_,

hereby declare that we are the duly appointed emergency absent voter's ballot commissioners; that we

received this application at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_ and have met the applicant, whose name appears on the application (reverse side), at his/her

place of confinement on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, the date of the election.

We have determined that the applicant has been confined since \_\_\_\_\_ because of \_\_\_\_\_

Reason for Voting Emergency Absentee Ballot

We swear under oath that the ballot was voted by no one other than the absent voter him/herself.

\_\_\_\_\_  
Emergency Absentee Ballot Commissioner's signature

\_\_\_\_\_  
Emergency Absentee Ballot Commissioner's signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date

(VOTER... COMPLETE APPLICATION ON REVERSE SIDE)

Please Note: A voter who votes an absentee ballot is not permitted to vote in person at the polls on Election Day. (WV Code §3-3-9)

# Keeping Record

WV Code 3-1-21, 3-1-43, 3-3-5, 3-3-11, 3-6-9

- Absentee ballots and Early Voting ballots should be tracked separately
- In addition, ballots transmitted by email or fax should be tracked
- The recorder provides a list in each precinct box which includes the names of voters who voted at Early Voting and those to whom an absentee ballot was transmitted
- Unused and spoiled ballots, applications, rejected ballots, ballots received after the deadline, and voted ballots must be preserved for twenty-two months following the election

# Early Voting Period

WV Code 3-3-3

- Early Voting begins the 13<sup>th</sup> day before the election and ends the 3<sup>rd</sup> day before the election, including Saturdays falling in that period
- It is conducted during regular business hours and from 9 AM to 5 PM on Saturdays
- For June 11, 2013 Municipal Elections, the Early Voting period will be May 29 to June 8 – two Saturdays fall in that period, June 1 and June 8

# Early Voting at the City Hall

WV Code 3-3-2a

- There must be at least two representatives of the recorder to assist with Early Voting; they must be of opposite political parties
  - Full-time employees
  - Temporary employees hired for Early Voting
  - Volunteers
- No person may do any electioneering on the property of the city hall during Early Voting

# Early Voting Procedures

WV Code 3-3-3

- Like Election Day, the voter states his or her name and residence to the representative and signs the poll book
- The two representatives will sign the places indicated on the back of the official ballot and provide it to the voter
- If they determine a voter is not properly registered, the voter must vote a provisional ballot, which should not be signed (provisional ballot procedures are provided in WV Code 3-1-41)
- After the voter has voted the ballot, the representatives...
  - Remove the ballot stub
  - Place ballots into one envelope which shall not have any marks except the precinct number
  - Place those envelopes into a ballot box that is secured by two locks (the key to one lock is kept by the president of the city council and the key to the other lock is kept by the recorder)

# Processing Absentee and Early Voting Ballots

- Absentee and Early Voting ballots are processed at the close of the polls on Election Day
- Paper ballots are processed at the polling place; they are to be sealed in envelopes and included in the precinct supplies for the polling place
- Ballots cast using electronic voting systems are processed at the central counting center