

**Disclaimer:**

This guide is designed for informational purposes only. It is not legal advice and is not intended to create an attorney-client relationship. The Election Protection Coalition does not warrant any information contained in this guide, nor does the Coalition suggest that the information in this guide should be used as a basis to pursue legal advice or decision making.

**Questions Involving Access to the Ballot:**

**1. It is after the time to open, 6:30 A.M., but the polling place is not open.**

Immediately contact the County Commissions to report the problem. You can find information at <http://www.wvsos.com/service/rosters/countycommissions.htm>

If the polling place is open at 6:30 a.m. but the voting machines have not arrived, call headquarters immediately. Voters should be permitted to vote by paper ballots (preferably) or by provisional ballots if there are no machines available. Provisional ballots are a LAST resort.

**2. It is 7:30 P.M. and my precinct is closed or closing and they will not let me vote.**

Immediately contact the County Commissions to report the problem. You can find information at <http://www.wvsos.com/service/rosters/countycommissions.htm>

**3. There are equipment problems at my precinct and I cannot vote. What should I do?**

Encourage the voter to ask to vote by a back-up paper ballot or by provisional ballot. If a caller reports problems with machines, immediately contact the Electronic Frontier Foundation representative at the call center to walk you through the appropriate steps to solve the machine problem.

**Identification and Provisional Ballots:**

**1. I do not have any identification with me. Can I vote?**

Yes. If the voter is duly registered at the precinct at which he or she is trying to vote, no identification is necessary. The voter must only state his or her name and residence and, after being found in the poll book by a poll clerk, sign his or her name in the appropriate place in the poll book.

However, if the voter submitted the application for registration by mail or by delivery with a third party, did not provide a copy of their identification with the registration, and that person hasn't previously voted, then s/he will be required to present identification. The identification can be a current and valid photo identification, or a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. You can find more information at [electionline.org](http://electionline.org).

If the voter is not duly registered at the precinct or his or her right to vote is otherwise challenged, the voter may still vote by provisional ballot.

**2. I am a registered voter who is not in the poll book at my precinct. Can I vote?**

Confirm that the voter is a qualified to vote (i.e., meets the age, criminal status, and residency requirements) and that the voter registered in time to vote in this election.

If the voter has registered on time and is in the correct polling place, direct the voter to ask the poll worker to call the county clerk and confirm the their registration. If the voter still is not in the poll book, let them know that the voter can vote provisionally. This is a LAST resort as provisional ballots will only be counted if the county clerk can later verify the voter's registration status before the election is certified.

**3. Poll workers are turning voters away if they don't have photo ID.**

Immediately contact the County Commissions to report the problem. You can find information at <http://www.wvsos.com/service/rosters/countycommissions.htm>. Also alert the Secretary of State's Office at 1-866-SOS-VOTE. Finally, alert an Election Protection supervisor and an attorney will be dispatched to the polling place. Encourage the voter to go back inside the polling place and demand the right to vote by a REGULAR ballot (unless the voter does not appear in that precinct's poll book, in which case they can still vote by provisional ballot).

**4. I have been offered a provisional ballot. What should I do?**

Require an explanation why the voter cannot use a regular ballot. Provisional ballots are a LAST resort. There are separate rules for counting provisional ballots. Provisional ballots are not opened on election night. The county commission will sit in session to determine whether provisional ballots should be counted and tallied together with the regular ballots cast in the election. The county commission will disregard technical errors, omissions, or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote. Otherwise, provisional ballots may not be counted. If the voter has no choice under applicable law but to vote by provisional ballot, the voter may learn whether their provisional ballot vote was counted and, if not, the reason why the vote was not counted by contacting the Secretary of State's office, Elections Division, at [www.wvsos.com](http://www.wvsos.com) or 1-866-SOS-VOTE.

**Where to Vote:**

**1. Where do I vote (for voter's who have not moved)?**

You can contact your County Clerk:  
<http://www.wvsos.com/service/rosters/countyclerks.htm>

Or you can look up polling locations at any of the following web sites:

<http://www.wvotes.com/voters/find-polling-place.php> .

**2. I have moved within the SAME PRECINCT but I have not updated my address for voter registration purposes. Where should I vote?**

If the voter has moved within the same precinct, the voter should go to the appropriate polling place for that precinct. If the voter registration list still lists the voter's old address, the voter may be asked to update their registration. If the updated address is within the same precinct, the voter must be permitted to vote with a regular ballot.

**3. I have moved to a DIFFERENT PRECINCT in the SAME COUNTY, but I have not updated my address for voter registration purposes. Where should I vote?**

The voter should go to polling location that corresponds to their new address and update their voter registration. The voter will be allowed to vote with a challenged or provisional ballot at the new precinct. If the voter's registration is found on the registration records within the county and no other challenge of eligibility was entered on Election Day, the challenge will be removed and the provisional ballot will be counted.

**4. I have moved to a DIFFERENT COUNTY, but I have not updated my address for voter registration purposes. Where should I vote?**

The voter should register, in person or by mail, at least 21 days before the election in the new county and vote a provisional ballot at the precinct corresponding to the new address.

**Assistance at the polls:**

**1. I am handicapped and need assistance; will my polling place be accessible?**

It may not be. If the voter is handicapped and the precinct is not handicap accessible, the voter may request for a transfer of registration to the nearest polling place in the county which is handicap accessible. Such a request must be received by the county clerk at least thirty days before the election: <http://www.wvsos.com/service/rosters/countyclerks.htm> . The handicapped person may vote in the precinct to which the registration was transferred only as long as the disability exists or the precinct from which the handicapped person was transferred remains inaccessible to the handicapped.

A voter who has not made such a request may vote a provisional ballot at a handicap accessible polling place in the county of his or her registration. If the county commission determines that the person had been registered in a precinct that is not handicap accessible, the provisional ballot will be counted if it is otherwise valid.

**2. I require assistance to vote because I am blind, disabled, of advanced age, or unable to read and write. Can I get assistance at the polls?**

Yes, any duly registered voter who requires assistance because of any of the reasons stated above may be given assistance at the polls by a person of the voter's choice, as long as that person is *not* the voter's present or former employer, agent of that employer, or an officer or agent of a labor union of which the voter is a past or present member.

In the alternative, the voter may request assistance from the poll clerks or ballot commissioners present at the polling place. Assistance may be given by any two of such election officers of opposite political party affiliation. The voter will have to declare his or her choice of candidates and his or her position on public questions appearing on the ballot labels. The two election officers, in the presence of the voter and in the presence of each other, will cause the voter's declared choices to be registered by the voting machine as votes.

West Virginia is not covered by the language minority provisions of the Voting Rights Act of 1965.

**Miscellaneous Issues:**

**1. I have been approached by candidates or others at the polls.**

All poll watchers, including Election Protection volunteers, must stay at least 300 feet from the entrance to the polling place. They can solicit you if they comply with this rule. If they are violating the 300-foot requirement, alert a commander to report the problem, let them know the extent of the problem and work with them to assess if calling an election official is necessary.

**2. What if I requested an absentee ballot but I want to vote in person on Election Day?**

The voter may vote in person on Election Day if he or she returns the absentee ballot to the election commissioners at the polling place. If the voter does not return the absentee ballot, he or she will have his or her vote challenged by one or more of the election commissioners or poll clerks.

**3. There are people at the polls trying to intimidate voters.**

Alert a commander immediately. An attorney will be dispatched to the polling place. If the voter agrees, put them on hold while you call the Legal Command Center so they can send an attorney to the location immediately. Then, gather as much information from the voter as possible. After hanging up with the caller, call back the Legal Command Center and fill the attorneys there in on the details. Also, alert the call center manager.

**4. I have a felony conviction. Can I vote?**

Yes. West Virginia law permits convicted felons to vote as long as they are not currently serving the felony sentence or any related period of incarceration, probation, or parole. For more information go to <http://felonvoting.procon.org/viewresource.asp?resourceID=286>.

**5. I am a college student, can I vote where I go to school?**

Yes. College student living at school have two choices. They may become a resident for voting purposes where they live at college, register and vote there, or they may maintain their residence at home and vote an absentee ballot by mail. Students must be held to the SAME eligibility requirements as any other voter in the jurisdiction. If a student has been turned away at the polls, ascertain if they have fulfilled all of the registration requirements (age, criminal status, residency requirements) and that they have registered on time for this election. If so, alert a commander to dispatch an attorney to the location and contact the appropriate election official. For more information go to <http://www.wvvotes.com/voters/absentee-voting.php>.