

West Virginia

Registration Deadline

Forms must be received or postmarked 21 days before an election.¹

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Database Implementation Status

West Virginia currently uses a top-down statewide voter registration database (the “State Uniform Data System”).²

Entering Voter Registration Information

Who inputs voter registration information? Clerks of the county commission generally review and enter information from voter registration forms in their jurisdiction into the statewide system.

What happens to voter registration forms submitted at state registration agencies? Forms received by the DMV or another voter registration agency are sent within five days to the Secretary of State, who will send the forms within five days to the clerk of the relevant county commission for review and entry.³

How are most forms submitted? West Virginia reported that in 2004, 59% of forms were submitted by mail and 39% of forms were submitted in person; it also reported that 41% of forms were submitted to the DMV and 39% to other registration agencies.

Voter Registration Form

The relevant portions of the voter registration form are included at the end of this section.

Processing of Forms Without Identifying Numbers

How will the state treat an application with an affirmative indication that the applicant has no valid identifying number? The applicant will be assigned a unique voter registration number. If the applicant is otherwise eligible, she will be considered registered.⁴

How will the state treat an application without an identifying number and without an affirmative indication that the applicant has no such number? If uncorrected (see below), the application will be rejected.

How will the state treat an application listing an identifying number that is either incomplete or illegible? If uncorrected (see below), the application will be rejected.⁵

Matching Against Motor Vehicle and Social Security Records

What fields from the voter registration form will the state seek to match to motor vehicle or Social Security records? West Virginia has not determined the process by which matches will be sought, but expects to compare the identifying number, first, middle, and last names, address, and date of birth.

How precise is the match standard? West Virginia expects to use an exact match standard of all fields.

How much human intervention is involved in determining whether information is matched? West Virginia has not yet determined the process by which matches will be sought.

Description of matching process: The West Virginia DMV is currently building the software program that will match its data to voter registration records, and officials are still unsure how the process will work. West Virginia election officials expect to send a list of new registrants to the DMV on a daily basis. DMV officials will then run a match search and return a list of unverified applicants back to the appropriate county clerk. County clerks will be expected to follow-up with these applicants. Information on forms listing SSN digits will be automatically checked against the SSA database through the standard AAMVA process: the DMV will automatically submit the SSN digits, last name, first name, month of birth, and year of birth to the SSA, and the system will return a code indicating whether the record was successfully matched or not.

West Virginia will also mail a verification notice to each prospective registrant who does not register in person and submit a current driver's license with the same address on the registration form; if that notice is returned as undeliverable within ten days, the application will be rejected.⁶

What are the consequences if the state cannot find a match? If uncorrected (see below), the application will be considered "pending." The applicant's name will not appear on the poll books, and she will not be able to vote a regular ballot. The applicant will be able to vote a provisional ballot, which is likely to be counted if these discrepancies are resolved and if the voter is found otherwise eligible to vote in the jurisdiction.

Notice and Opportunity to Resolve Errors

Does the applicant have the opportunity to correct a missing or incomplete identifying number, without submitting a new form? No.⁷ The applicant may submit a new form with correct information by four days after the voter registration deadline.

Does the applicant have the opportunity to resolve a failed match, without submitting a new form? Yes. The applicant may submit information to resolve a failed match by whatever means the county deems reasonable, at any point before four days after the voter registration deadline.

*If information on an otherwise timely application is corrected after the voter registration deadline, is the correction timely? Yes, if the error is corrected within four days after the voter registration deadline.*⁸

Description of notice and correction process: The county elections official will attempt to notify by mail an applicant whose identifying number is missing, incomplete, or illegible. The county official will also send a new voter registration form with the notice,⁹ and the applicant will be instructed to send the new form either in person or by mail by four days after the voter registration deadline. An applicant whose identifying number is unverified will also be notified by mail, but the applicant may resolve the error by whatever means the county deems reasonable.

Identification Requirements at the Polls

Who must provide identification at the polls? A first-time voter who registered by mail, whose identifying number has not been verified, and who has not already provided identification must provide identification at the polls.¹⁰ West Virginia also requires a voter registering in person to present identification at registration.¹¹

Forms of ID:

1st-time voters registering by mail without verified number:	current and valid photo ID current utility bill w/ name, address bank statement w/ name, address government check w/ name, address paycheck w/ name, address other gov't document w/ name, address
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What forms of identification are accepted? 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.¹²

What are the consequences of failing to show identification? The voter may cast a provisional ballot.¹³ The ballot will be counted if the voter is found to be eligible to vote in the county.¹⁴

Statutes and Regulations

W. VA. CODE ch. 3, art. 2 generally concerns registration. W. VA. CODE §§ 3-2-3(b) and 3-2-4a direct the Secretary of State to establish and maintain a single statewide voter registration system. There are no applicable regulations.

End Notes

¹ W. VA. CODE § 3-2-6.

² electionline.org, *Assorted Rolls: Statewide Voter Registration Databases Under HAVA*, June 2005, available at <http://www.electionline.org/Portals/1/EB11.FINAL1.pdf>, at 24; W. VA. CODE R. § 153-9-2.

³ W. VA. CODE §§ 3-2-11(g), 3-2-14(e).

⁴ *Id.* § 3-2-4a(f)(2).

⁵ *See also id.* § 3-2-4a(f).

⁶ *Id.* §§ 3-2-6, -7, -10, -16.

⁷ *Id.* § 3-2-17(b).

⁸ *Id.* § 3-2-6(b).

⁹ *Id.* § 3-2-17.

¹⁰ *Id.* § 3-2-10(g), (i).

¹¹ *Id.* § 3-2-7(b).

¹² *Id.* § 3-2-10(g).

¹³ *Id.* § 3-2-10(h).

¹⁴ *Id.* § 3-1-41. West Virginia law provides that the “county commission shall disregard technical errors, omissions or oversights if it can reasonably be ascertained that the challenged voter was entitled to vote.” *Id.* § 3-1-41(d).

Mail-In Voter Registration Application

West Virginia

You Can Use This Form To:

- ♦ apply to register to vote in West Virginia
- ♦ change your address or name on your voter record
- ♦ change your political party on your voter record

Follow These Steps To Complete Form:

Note: If available, use black ink & print.

Box 1. (required) Give your full name--(last name, first name, middle or maiden name--no nicknames)

Box 2. (required) Give your birth date--(month/day/year).

Box 3. (required) Enter your driver's license number or the last four numbers of your social security number. If you do not have a driver's license number or a social security number, an identification number will be assigned to you. If this form is submitted by mail & it is the first time you have registered to vote in this county, you **MUST submit a copy of a current and valid ID with this application** or at the polls the first time you vote. To send it with this application you should enclose one of the following:
(1) A copy of a current & valid photo ID with current residence address *or*
(2) A copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows your name and current residence address.

Box 4. (required) Provide residence & mailing addresses. If the address where you live does not include a street name & number, describe where you live by giving a road number, intersection, or landmark to help identify your precinct. (for example: 5 miles past church on the right, City, WV ZipCode) For military, overseas, or students, list your military / school address as your mailing address & your legal West Virginia address for the residence address. Provide a mailing address (for example: Rt. 5, Box 3, City, WV ZipCode) if it is different than where you live.

Box 5. Mark if you live within city limits.

Box 6. Give the telephone number where you can be reached during the day.

Box 7. Circle "M" for male or "F" for female.

Box 8. Mark the party of your choice, list another party on the line provided or mark the "No Party Choice" box.

Box 9. Check if this is a new registration, a name / address change or a party change.

QUESTIONS?

CALL TOLL FREE 1-866-SOS-VOTE

West Virginia Secretary of State

Registration Deadline:

You may register at any time. In order to vote in an election, you must be registered twenty (20) days before that election.

Mailing Directions:

Provide all required information (1, 2, 3, 4 & 10) before mailing form to county clerk.

Box 10. (required) Check applicable boxes & sign your name if you meet these requirements. Signature must match the name given in Box 1. **Note:** It is a felony to sign this form if you know you do not meet the requirements listed in Box 10.

Box 11. If you were registered before, enter your full name & complete address as they were on your last registration.

I would like to be a pollworker.

ATTENTION APPLICANT FOR REGISTRATION!

- * FOLLOW THE INSTRUCTIONS CAREFULLY AND COMPLETE THE ENTIRE FORM IN INK.
- * BE SURE TO SIGN YOUR LEGAL NAME IN THE SIGNATURE BOX.
- * MAIL YOUR APPLICATION TO THE COUNTY CLERK OF YOUR HOME COUNTY.
- * REMEMBER, THIS IS AN APPLICATION FOR REGISTRATION. If the confirmation card mailed to your home address is returned undeliverable or you are not eligible, you will not be registered.
- * ON ACCEPTANCE, A VOTER REGISTRATION CARD WITH YOUR PRECINCT NUMBER WILL BE MAILED TO YOU.

1.	LAST NAME: _____	FIRST NAME: _____	MIDDLE <u>OR</u> MAIDEN NAME: _____	2.	BIRTH DATE: _____ / _____ / _____	3.	DRIVER'S LICENSE # _____ - or - SOC. SEC. LAST 4 #'S XXX -XX - _____ I do not have a driver's license # or a social security #. <input type="checkbox"/>	PRECINCT: _____								
4.	GIVE ADDRESS WHERE YOU LIVE OR A DESCRIPTION OF ADDRESS WHERE YOU LIVE: <small>(For Example: 5 miles past church on the right, City, WV ZipCode)</small>				COUNTY WHERE YOU LIVE: _____		REGISTRATION NO: _____									
4.	LIST YOUR MAILING ADDRESS HERE: <small>(For Example: Rt. 5, Box 3, City, WV ZipCode)</small>				5.	<input type="checkbox"/> I live within city limits.		6.	DAYTIME PHONE: _____	ID/CONFIRMATION: _____						
8.	PARTY CHOICE -- CHECK <u>ONE</u> BOX <input type="checkbox"/> DEMOCRAT <input type="checkbox"/> OTHER PARTY _____ <input type="checkbox"/> REPUBLICAN <input type="checkbox"/> NO PARTY CHOICE <input type="checkbox"/> MOUNTAIN <i>If a party choice is NOT marked, you will be listed as having No Party Choice</i>				<u>Please Note</u> You may vote a party primary ballot only if you are registered with that party. However, some parties may allow voters who are not affiliated with their party to vote their ballot upon request.		7.	GENDER: Circle One M F		DATE RECEIVED: _____						
9.					THIS IS A: <input type="checkbox"/> NEW REGISTRATION <input type="checkbox"/> NAME and/or ADDRESS CHANGE <input type="checkbox"/> PARTY CHANGE											
10.	VOTER DECLARATION -- READ, CHECK BOXES AND SIGN I SWEAR OR AFFIRM THAT: <input type="checkbox"/> I am a United States citizen; <input type="checkbox"/> I live in West Virginia at the above address; <input type="checkbox"/> I am at least 18 years old or am 17 years old and will be 18 years old on or before the next general election; <input type="checkbox"/> I am not currently under conviction, probation or parole for a felony, treason or election bribery; and <input type="checkbox"/> I have not been judged mentally incompetent in a court of competent jurisdiction.				SIGN YOUR NAME IN THE SPACE BELOW: <div style="border: 1px solid black; height: 100px; width: 100%; margin: 10px 0;"></div> <div style="display: flex; justify-content: space-around; font-size: small;"> First Name Middle /Maiden Name Last Name </div> <p>WARNING: If this statement is untrue and you sign it, you will be guilty of a felony and upon conviction can be fined up to \$5,000.00 and/or jailed up to three (3) years.</p>						OFFICE INFO: _____					
11.	Name and Address of Last Voter Registration				For an application to be complete, boxes 1, 2, 3, 4 and 10 must be completed .											
R-2 8-03	Name _____		Street _____		City _____ County _____ State _____		LAST NAME		FIRST NAME		M. INIT.		NO. & STREET		PRECINCT	