

# WEST VIRGINIA CODE: §3-3-2B

## §3-3-2b. Special absentee voting list.

(a) Any person who is registered and otherwise qualified to vote and who is physically disabled and unable to vote in person at the polls in an election may apply to the official designated to supervise and conduct absentee voting for placement on the special absentee voting list.

(b) Any person who is registered and otherwise qualified to vote and who is participating in the Address Confidentiality Program, as established by §48-28A-103 of this code, may apply to the program manager within the office of the Secretary of State for placement on the special absentee voting list. The program manager will notify the designated county contact to coordinate the provision of an absentee ballot to the program participant.

(c) The application is to be on a form prescribed by the Secretary of State which is to include:

(1) The voter's name and signature;

(2) The voter's residence address, unless the applicant is a participant in the Address Confidentiality Program as established by §48-28A-103 of this code;

(3) (A) A statement that the voter has a physical disability and would be unable to vote in person at the polls in any election, a description of the nature of that disability, and a statement signed by a physician to that effect; or

(B) A statement that the voter is a program participant in the Address Confidentiality Program; and

(4) If the voter has a physical disability, whether the voter requests a mail-in absentee ballot or an electronic absentee ballot.

(d) Upon receipt of a properly completed application, the official designated to supervise and conduct absentee voting shall enter the name on the special absentee voting list which is to be maintained in a secure and permanent record. The person's name will remain active on the list until: (1) The person requests in writing that his or her name be removed; (2) the person is no longer a resident of the county, is purged from the voter registration books, or otherwise becomes ineligible to vote; (3) a ballot mailed to the address provided on the application is returned undeliverable by the United States Postal Service; (4) the person no longer has a physical disability; (5) the person dies; or (6) in the case of an Address Confidentiality Program participant, the person withdraws or is removed from that program.

(e) The official designated to supervise and conduct absentee voting shall, not later than 46 days before each election:

(1) Deliver an absentee ballot by mail to each voter active on the special absentee voting list due to a physical disability who requested a mail-in absentee ballot on the application; and

(2) Electronically transmit an absentee ballot to each voter on the special absentee voting list due to a physical disability who requested an electronic absentee ballot on the application.

(f) The Address Confidentiality Program manager shall, in coordination with the designated county contact, mail to each person on the special absentee voting list due to participation in the Address Confidentiality Program an absentee ballot by mail not later than 46 days before each election.