
West Virginia

Help America Vote Act (HAVA) Complaint Process Guide

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State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

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According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Statute](#)

[Link to Form](#)

Any person who believes that there is a violation of any provision of the chapter 3 election code or Title III of the Help America Vote Act, Pub. L. 107-252, including a violation which has occurred, is occurring or is about to occur, may file a complaint.

Any complaint filed under the procedures shall be in writing, notarized and signed and sworn by the person filing the complaint.

How do I file a non-HAVA election law complaint?

[Link to Statutes](#)

[Link to Complaint Form](#)

§3-1-50. Establishment of state-based administrative complaint procedures.

- (a) The Secretary of State shall establish and maintain a state-based administrative complaint procedure for complaints received concerning election violations
- (b) The administrative complaint procedure required by subsection (a) of this section is not applicable if, within thirty days of the filing of the complaint:
- (1) The Secretary of State initiates an investigation;
 - (2) the Secretary of State determines that the allegations contained in the complaint may result in a finding of a criminal violation; and
 - (3) the Secretary of State determines that the administrative complaint procedure required by this section would endanger or impede the associated criminal investigation:
- Provided, That within three business days thereafter the Secretary of State shall notify the complainant in writing that the allegations contained in the complaint may result in a finding of a criminal violation and, therefore, the administrative procedure contained in this section is inapplicable.

Who can I contact regarding an election related complaint?

Secretary of State's Office, Investigations Unit	
Physical Address:	1900 Kanawha Blvd. E. Building 1, Suite 157-K Charleston, WV 25305-0770
Mailing Address:	Secretary of State's Office Attn: Investigations 1900 Kanawha Blvd. E. Building 1, Suite 157-K Charleston, WV 25305-0770
Phone Number:	304-558-6000
Fax Number:	304-558-0900
E-mail:	InvestigationSupport@wvsos.gov
Website:	https://sos.wv.gov/about/Pages/Investigations.aspx