ORIGINAL

A-59

1 H.460

2 Introduced by Committee on Local Government

3 Date:

4 Subject: Elections; qualifications and registration of voters; party organization;

5 nominations; conduct of elections; presidential elections

6 Statement of purpose: This bill proposes to exempt some personal information

7 from a statewide voter checklist created by the secretary of state to modify the

8 voter registration process by: requiring that the town clerk review applications

9 to the checklist rather than the board of civil authority; requiring an applicant

10 to the voter checklist to provide his or her place and date of birth and Vermont

11 driver's license number or last four digits of his or her Social Security number

12 or obtain a unique identifier from the secretary of state; providing that if a

13 voter changes his or her address at the department of motor vehicles, the voter

14 consents to being removed from the checklist at the voter's former residence;

15 and requiring the secretary of state to create a statewide voter checklist. This

16 bill proposes to standardize the notice requirements for representative,

17 senatorial, and probate district organization. This bill proposes to modify the

18 nomination process by: requiring the candidate to list the office and district

19 designation for which the candidate is running; and altering the date for filing a

20 nomination, by a party committee, when a candidate withdraws or dies after a

21 primary election. This bill proposes to change the way elections are conducted

1 by: developing a complaint procedure for violations of state or federal
2 elections law; requiring that a municipality that votes to use a voting machine
3 does so six months before an election; permitting the secretary of state to adopt
4 rules on the use and selection of voting machines; permitting elections
5 officials, in a municipality that uses voting machines, to arrive early to process
6 early voter absentee ballots; requiring additional information on the notice to
7 voters at the polling place; requiring that first-time voters supply identification
8 to the elections officials; creating a system for provisional voting that allows a
9 person to vote if his or her name is not on the checklist and the person attests
10 that he or she registered to vote; requiring each town to have one voting
11 machine equipped for individuals with disabilities; permitting the secretary to
12 adopt uniform guidance for elections officials upon how to determine the
13 voter's intent on a ballot and to determine whether a ballot is spoiled;
14 permitting an elections official to add together names of candidates that are
15 clearly the same person; and requiring all recounts to be done by hand. This
16 bill proposes to change the notice requirements for a revote on a budget in a
17 local election by modifying the notice requirement for a public informational
18 meeting from ten to five days. This bill proposes that town clerks mark the
19 entrance checklist in a presidential primary with a letter code to indicate the
20 voter's party choice.

AN ACT RELATING TO IMPLEMENTING THE FEDERAL HELP AMERICA VOTE ACT

It is hereby enacted by the General Assembly of the State of Vermont:

See P. 3b

~~* * * Common Law; General Rights * * *~~

~~* * *Access to Public Documents * * *~~

See P. 3a

~~Sec. 1. 1 V.S.A. § 317(c) is amended to read:~~

(c) The following public records are exempt from public inspection and copying:

* * *

(31) records of a registered voter's month and day of birth, motor vehicle operator's license number, nondriver identification number, Social Security number, and street address if different from the applicant's mailing address compiled by the secretary of state or a municipal clerk for use in the ~~statewide voter checklist established under section 2154 of Title 17.~~

* * * Qualification and Registration of Voters * * *

* * * Registration of Voters * * *

Sec. 2. 17 V.S.A. § 2144 is amended to read:

§ 2144. DEADLINE FOR APPLICATIONS

(a) ~~The board shall meet at the time and place appointed and remain in session a reasonable time. It may recess or adjourn from day to day, but~~ The town clerk shall not accept applications for persons' names to be placed on the ~~checklist shall not be accepted~~ after 12:00 noon on the second ~~Saturday~~ Monday

H. 460

** * * Common Law; General Rights * * **

** * *Access to Public Documents * * **

Sec. 1. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

** * **

(31) records of a registered voter's month and day of birth, motor vehicle operator's license number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address contained in an application to the statewide voter checklist or the statewide voter checklist established under section 2154 of Title 17.

** * * Qualification and Registration of Voters * * **

** * * Registration of Voters * * **

Sec. 2. 17 V.S.A. § 2144 is amended to read:

§ 2144. DEADLINE FOR APPLICATIONS

(a) ~~The board shall meet at the time and place appointed and remain in session a reasonable time. It may recess or adjourn from day to day, but~~ The town clerk shall not accept applications for persons' names to be placed on the checklist ~~shall not be accepted~~ after 12:00 noon on the second ~~Saturday~~ Monday preceding the day of the election. The town clerk's office shall be kept open on the second ~~Saturday~~ Monday preceding the day of the election from no later than 10:00 a.m. until 12:00 noon, for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted or accepted~~, as the case may be,~~ by 12:00 noon of the second ~~Saturday~~ Monday preceding the day of the election.

(b) If a person is not eligible to register prior to the second ~~Saturday~~ Monday before the day of election, but expects to be eligible on or before election day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice shall be filed prior to noon of the second ~~Saturday~~ Monday preceding the day of election, and the ~~board of civil authority~~ town clerk shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith.

(c) If a person is not eligible to register prior to the second ~~Saturday~~ Monday before the day of the election, and has submitted a written notice of intent to apply in accord with subsection (b) of this section, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior

to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots.

(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in section 2640(b) of this title, the "day of election" shall be the first Tuesday in March.

Sec. 3. 17 V.S.A. § 2144b is amended to read:

§ 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK~~; LOCAL OPTION~~

(a) A town ~~may vote at a special or annual town meeting to authorize its town clerk to approve additions to the checklist~~ clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter and section 2103 of this title. Once approved, application information shall be added to the statewide voter checklist on an expedited basis. If an applicant has failed upon the date of the election to provide any information required upon the application form pursuant to section 2145 of this title, the town clerk shall notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election.

(b) ~~Except as provided in this section, if the town votes to authorize the town clerk to approve additions to the checklist, applications shall not be reviewed by the board of civil authority, and the applicable provisions of sections 2144, 2145 and 2146 of this title shall apply to the clerk.~~

(c) If the town clerk does not ~~believe~~ determine that an applicant meets the requirements of section 2121 of this title, the clerk shall ~~forthwith~~ immediately forward the application to the board of civil authority, which shall~~,~~ meet in a timely manner~~,~~ after the receipt of the application and proceed under section 2146 of this title to determine whether the applicant meets the requirements of section 2121. For purposes of adding applicants to the checklist, a quorum shall consist of three members of the board of civil authority.

(d) Periodically, or at least ~~ten~~ five days prior to each election, the town clerk shall forward to the board of civil authority a list of additions to the checklist.

Sec. 4. 17 V.S.A. § 2145 is amended to read:

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the federal election commission or by the secretary of state. The application form approved by the secretary shall include:

(1) A ~~statement informing the applicant of the requirements for~~ place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and ~~space for the applicant to provide the information necessary for the board of civil authority to determine eligibility, including the applicant's town of residence, street address and, if the applicant's mailing address is different from his or her street address, the mailing address~~ a place for the signature of the applicant affirming, under penalty of perjury, that

all information submitted by the applicant is accurate and truthful. The affirmation shall include the following information:

(A) The applicant's place and date of birth.

(B) The applicant's town of legal residence.

(C) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(D)(i) if the applicant has been issued a current and valid driver's license or nondriver's identification, the applicant's driver's license number or nondriver's identification number; or

(ii) if the applicant does not possess a driver's license number, the last four digits of the applicant's Social Security number; or

(iii) if the applicant does not possess a Social Security number, the town clerk shall contact the secretary of state and the secretary shall assign a unique identifier for the applicant.

(2) ~~An attestation by the applicant that he or she satisfies all the voter eligibility requirements. The attestation shall be signed by the applicant under penalty of perjury.~~

~~(3)~~ The voter's oath and a space for a person administering the voter's oath to another to execute the written notification required by section 2124 of this title.

(3) Space for the town clerk to document action on the application.

(4) ~~Space for documentation of the board of civil authority's action on the application.~~

~~(5)~~ The following statements:

"If you were provided with this form when you applied for, or renewed, a motor vehicle driver's license or were provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."

"If you are submitting this application in connection with a motor vehicle driver's license application, or renewal, or through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes."

(5) The following statement on applications provided by the department of motor vehicles: "Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application before the deadline for registration."

~~(6) A statement informing the applicant: "Keep a copy of this application form. Contact your town clerk to make sure your application has been received. Bring the copy to the polls when you go to vote. This is your proof you have submitted an application to the checklist before the deadline for registration."~~

(b) ~~Except for forms included as part of a department of motor vehicles license application, the registration application form shall be in four copies. One copy shall be retained by the applicant; three copies shall be forwarded to the town clerk. In the case of applications received at voter registration agencies, three copies shall be forwarded to the secretary of state who shall forward the copies to the town clerk of the applicant's town of residence. In the case of forms included as part of a department of motor vehicles license application, the form shall be in two copies. One copy shall be retained by the applicant; one copy shall be forwarded to the secretary of state who shall forward the form to the town clerk of the applicant's town of residence.~~

Sec. 4a. AGREEMENT BETWEEN DEPARTMENT OF MOTOR VEHICLES AND SOCIAL SECURITY ADMINISTRATION

The commissioner of motor vehicles may enter into an agreement with the Social Security Administration pursuant to 42 U.S.C. § 405(r)(8), however, the agreement shall be limited to verifying applications to register to vote that use the last four digits of an applicant's Social Security number as the applicant's unique identifying number. The secretary of state is prohibited from giving any information contained in any portion of the statewide voter checklist that is exempt from public inspection pursuant to subdivision 317(c)(31) to any subdivision of the federal government.

Sec. 5. 17 V.S.A. § 2147(a) is amended to read:

§ 2147. ALTERATION OF CHECKLIST

(a) Pursuant to section 2150 of this title, the board shall add to the checklist posted in the town clerk's office the names of the voters added and the names omitted by mistake, and shall strike the names of persons not entitled to vote. The list so corrected shall not be altered except by:

* * *

(4) adding, at the polling place, the names of persons who sign a sworn affidavit prepared by the secretary of state that they completed and submitted a valid application for addition to the checklist of that town before the deadline for applications and who otherwise are qualified to be added to the checklist; or

* * *

(6) adding the names of persons who submitted an incomplete application before the deadline for application, and who provide that information on or before election day.

Sec. 6. 17 V.S.A. § 2150 is amended to read:

§ 2150. REMOVING NAMES FROM CHECKLIST

(a) When a voter from one town becomes a resident of another town and is placed on the checklist there, the clerk shall send one copy of the voter registration application form or other official notice to the clerk of the town where the voter was formerly a resident, and that clerk shall strike the voter's name from the checklist of that town. Likewise, when a town clerk receives a copy of the death certificate of a voter, public notice of the death of a voter, or official notice from the department of motor vehicles that a voter has authorized his or her address to be changed for voting purposes, the

clerk shall strike the voter's name from the checklist. A town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

* * *

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

* * *

(3) If after conducting its inquiry the board of civil authority is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with ~~"address correction requested."~~ the required United States Postal Service language for requesting change of address information. Enclosed with the notice shall be a postage paid pre-addressed return ~~card~~ form on which the voter may reply~~, either setting forth~~ swearing or affirming the voter's current place of residence as the municipality in question ~~and requesting that the voter's name be retained upon the checklist,~~ or alternatively consenting to the removal of the voter's name. The notice required by this subsection shall also include the following:

(A) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the change was within the area covered by the checklist, the voter should return the ~~card~~ form to the town clerk's office on or before the date upon which the checklist is closed under section 2144 of this title. The statement shall also inform the voter that if he or she fails to return the ~~card~~ form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

(B) Information concerning how the voter can ~~continue to be eligible to vote if the voter has changed his or her residence to a place outside the area covered by the checklist~~ register to vote in another state or another municipality within this state.

* * *

Sec. 7. 17 V.S.A. § 2154 is added to read:

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The secretary of state shall establish a uniform and nondiscriminatory, statewide computerized voter registration checklist. This checklist shall serve as the official voter registration list for all elections in the state. In establishing the statewide checklist, the secretary shall:

(1) limit the town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to verifying if the applicant is registered in another municipality in the state by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that district's checklist;

(4) provide adequate security to prevent unauthorized access to the checklist;

(5) ensure the compatibility and comparability of information on the checklist with information contained in the department of motor vehicles' computer systems.

(b) A registered voter's month and day of birth, driver's license number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address shall not be considered a public record as defined in subsection 317(b) of Title 1. Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to chapter 65 of Title 13, that the person will not use the checklist for commercial purposes. The affirmation shall be filed with the secretary of state.

(c) No elections official may access the portion of the statewide voter checklist that is exempt from public inspection pursuant to subdivision 317(c)(31) of Title 1, except for elections purposes.

** * * Party Organization * * **

Sec. 8. 17 V.S.A. § 2321 is amended to read:

§ 2321. REPRESENTATIVE DISTRICT COMMITTEE

The "representative district committee" of a party shall consist of those members of the town committee residing in a representative district, as finally established by the legislative apportionment board. A representative district committee may encompass less than an entire town or may extend across town lines~~, as the case may be~~. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least ~~seven~~ five days written notice to all other members; thereafter, the committee shall meet at the call of the ~~chairman~~ chair.

Sec. 9. 17 V.S.A. § 2322 is amended to read:

§ 2322. SENATORIAL DISTRICT COMMITTEE

The "senatorial district committee" of a party shall consist of those members of the county committee residing in a senatorial district. A senatorial district committee may encompass less than an entire county or may extend across county lines~~, as the case may be~~. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least ~~seven~~ five days written notice to all other members; thereafter, the committee shall meet at the call of the ~~chairman~~ chair.

Sec. 10. 17 V.S.A. § 2323 is amended to read:

§ 2323. PROBATE DISTRICT COMMITTEE

The "probate district committee" of a party shall consist of those members of the county committee residing in a probate district. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. The ~~chairman~~ chair of the county committee may call the first meeting by giving at least ~~seven~~ five days written notice to all other members; thereafter the committee shall meet at the call of the probate district ~~chairman~~ chair.

** * * Nominations * * **

** * * Primary Elections * * **

Sec. 11. 17 V.S.A. § 2356 is amended to read:

§ 2356. TIME FOR FILING PETITIONS

Primary petitions shall be filed no sooner than the first Monday in June and not later than 5:00 p.m. on the third Monday of July preceding the primary election prescribed by section 2351 of this title, and not later than 5:00 p.m. of the ~~forty-second~~ 42nd day prior to the day of a special primary election.

Sec. 12. 17 V.S.A. § 2361 is amended to read:

§ 2361. CONSENT OF CANDIDATE

A candidate for whom petitions containing sufficient valid signatures have been filed shall file with the official with whom the petitions were filed a consent to the printing of the candidate's name on the ballot. The secretary of state shall prepare and furnish forms for this purpose. The consent shall set forth the name of the candidate, as the candidate wishes to have it printed on the ballot, the candidate's town of residence and correct mailing address. The consent shall be filed on or before the day ~~primary~~ petitions are due. Unless a consent is filed, the candidate's name shall not be printed on the primary ballot.

** * * Nominations * * **

** * * Nominations by Party Committee * * **

Sec. 13. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the primary, shall be filed not more than 60 days before the day of the general election and not later than 5:00 p.m. on the third day following the primary election.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the withdrawal to nominate a candidate. In no event, shall a statement be filed later than 40 days prior to the election.

** * * Nominations * * **

** * * Miscellaneous Provisions * * **

Sec. 14. 17 V.S.A. § 2412 is amended to read:

§ 2412. WITHDRAWAL OF CANDIDACY

A candidate who has been validly nominated by one of the methods prescribed in this chapter shall have a right to withdraw his or her candidacy up until 5:00 p.m. on the ~~47th day before the day of the election~~ third day following the primary by filing a written notice of withdrawal with the town clerk in case of a candidate for justice of the peace, and with the secretary of state in case of all other offices. The name of a candidate who has withdrawn shall not be printed on the ballot. After that date, if the candidate has filed a written notice of withdrawal, the town clerk or secretary of state may still remove the candidate's name from the ballot up until ~~a~~ the printing deadline ~~which he shall publicly announce ahead of time~~.

Sec. 15. 17 V.S.A. § 2457(a) is amended to read:

(a) The secretary of state shall organize regional workshops for election officials, provide them with informational materials about the conduct of elections and recounts and otherwise help them run elections in ~~a proper and legal manner~~ conformance with state and federal law.

** * * Conduct of Elections * * **

** * * Elections Officials * * **

Sec. 16. 17 V.S.A. § 2451 is amended to read:

§ 2451. BOARD OF CIVIL AUTHORITY

The board of civil authority shall have charge of the conduct of elections within the political subdivision for which it is elected. At any time before an election, the board of civil authority may issue guidance for elections officials that assists officials in conducting elections within the political subdivision. Guidance issued by the board shall not conflict with federal or state elections laws. A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place.

Sec. 17. 17 V.S.A. § 2454 is amended to read:

§ 2454. ASSISTANT ELECTION OFFICERS

(a) Prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each voting district to serve as assistant election officers in their respective polling places. As far as possible, the board shall attempt to appoint an equal number of persons from each major political party. Each assistant election officer shall be sworn prior to entering on the performance of his or her duties. An assistant town clerk may serve as an assistant elections officer, regardless of his or her residence.

(b) The board of civil authority may appoint residents of a voting district who are 16 or 17 years old to serve as assistant elections officers in their respective polling places. Youth assistant elections officers shall have the same duties as adult assistant elections officers but shall work under the direct supervision of adult elections officials.

Sec. 18. 17 V.S.A. § 2458 is added to read:

§ 2458. COMPLAINT PROCEDURE

The secretary of state shall adopt rules to establish a uniform and nondiscriminatory complaint procedure to be used by any person who believes that a violation of this title or any other provision of Title III of United States Public Law 107-252 has occurred, is occurring, or is about to occur. For purposes of this section, "complaint" shall mean a statement in writing made by a voter stating, with particularity, the violation, notarized, and sworn or affirmed under penalty of perjury. The secretary's rules shall provide for an informal proceeding to hear complaints for all complainants unless a formal hearing is requested. Formal complaints held pursuant to this section shall be in conformance with the rules adopted by the secretary. Any decision of the secretary may be appealed to the superior court in the county where the individual resides.

** * * Conduct of Elections * * **

** * * Ballots * * **

Sec. 19. 17 V.S.A. § 2474 is amended to read:

§ 2474. CHOICE OF PARTY

(a) A person nominated by any means for the same office by more than one political party, ~~at least 36 days before the day of the~~ not later than the second Friday following the primary election may elect the party or parties in which the nominee will be a candidate. The nominee shall notify in writing the secretary of state or town clerk, as the case may be, of such choice, and only the party or parties which the nominee so elects shall be printed next to the nominee's name on the ballot.

(b) A candidate for state or congressional office who is the nominee of two or more political parties shall file with the secretary of state, ~~at least 36 days before the day of the~~ not later than the second Friday following the primary election, a statement designating for which party the votes cast for him or her shall be counted for the purposes of determining whether his or her designated party shall be a major political party. The party so designated shall be the first party to be printed immediately after the candidate's name on the ballot. If a candidate does not file the statement ~~at least 36 days before the date of election~~ before the second Friday following the primary, the secretary of state shall designate by lot the party to be printed immediately after the candidate's name.

** * * Conduct of Elections * * **

** * * Voting Machines * * **

Sec. 20. 17 V.S.A. § 2491 is amended to read:

§ 2491. POLITICAL SUBDIVISION MAY USE VOTING MACHINES

A town may vote at any annual or special meeting to employ ~~mechanical or~~ electronic devices ("voting machines") for the registering and counting of votes in subsequent elections. Voting machines may be used in combination with the paper ballots described in the preceding subchapter, so that each voter may choose whether to use a paper ballot or a voting machine to cast his or her vote, if the town so votes.

Sec. 21. 17 V.S.A. § 2492 is amended to read:

§ 2492. LEGISLATIVE BRANCH TO OBTAIN VOTING MACHINES

~~(a)~~ If a town votes to use voting machines~~, in whole or in part, for voting in subsequent elections~~ at least six months prior to the next primary or general election, the legislative body shall ~~make arrangements to~~ rent or purchase voting machines ~~of standard make,~~ approved by the secretary of state~~, capable of providing a simple and convenient means of voting and ascertaining the true result~~. The town shall be responsible for all expenses attendant upon the purchase or rental of voting machines and the secretary of state shall furnish the ballots. Other election materials which are not particular to voting machines shall be prepared at state expense, under the direction of the secretary of state, except for local elections, which shall be governed by ~~17 V.S.A. §~~ section 2682 of this title.

~~(b) The secretary of state may attach conditions to the approval of a voting machine if he deems it necessary to further the purposes of this chapter.~~

Sec. 22. 17 V.S.A. § 2493 is amended to read:

§ 2493. ~~REGULATIONS~~ RULES FOR USE OF VOTING MACHINES

(a) ~~The secretary of state shall make regulations for the use of voting machines. These regulations may cover any of the following:~~

~~(1) The format of machine programs for the primary and general elections;~~

~~(2) The content of summary sheets;~~

~~(3) The content of all voter instruction materials provided by a town;~~

~~(4) Security before and after the election;~~

~~(5) Obtaining and recording machine totals;~~

~~(6) Duties of election officials;~~

~~(7) Availability of machines during polling hours;~~

~~(8) Disposition of checklists, summary sheets and machine materials after the election;~~

~~(9) Other matters pertaining to the proper use of voting machines under this title.~~

The secretary of state shall adopt rules governing the use and the selection of any voting machine in the state. These rules shall include requirements that:

(1) All municipalities that have voted to use a voting machine shall use a uniform voting machine approved by the secretary of state.

(2) The secretary of state shall provide for the security of voting machines at all times.

(3) All voting machines shall be set to reject a ballot that contains an overvote and provide the voter the opportunity to correct the overvote, have the ballot declared spoiled, and obtain another ballot. If an early voter absentee ballot contains an

overvote, the elections official shall override the voting machine and count all races except any race that contains an overvote.

(4) All voting machines shall be set not to reject undervotes.

(b) Each voting machine shall be tested using official ballots that are marked clearly as "test ballots" at least ten days prior to an election.

Sec. 23. 17 V.S.A. § 2494 is amended to read:

§ 2494. CONSTRUCTION WITH OTHER LAWS

Except as this subchapter affects the method of registering votes and ascertaining the result, the laws of this state pertaining to elections shall be applicable. The laws pertaining to early or absentee voters shall in no way be affected by this subchapter, and votes cast by early or absentee voters shall be counted with votes registered on voting machines. In towns using voting machines, the board of civil authority may vote to open polling places at 5:00 a.m., provided that at least three elections officials are present, two of whom are from different parties, solely for the purpose of checking voters who voted by early voter absentee ballot off the checklist and depositing the ballots into the ballot box or voting machine. If all early voter absentee ballots have not been deposited into the voting machines before the closing of the polls at 7:00 p.m., the elections officials shall continue to deposit ballots using the same procedure as provided in subsection 2561(b) of this title, treating each ballot as a voter waiting to cast his or her ballot at the close of the polls.

Sec. 24. 17 V.S.A. § 2499(b) is amended to read:

(b) ~~The checklist or checklists, as the case may be, the early voter absentee ballots, tally sheets for early voter absentee ballots, read-out sheets and other machine materials shall be sealed in the ballot bags provided by the secretary as soon as all the votes have been counted. The container and contents shall be secured and stored as provided in section 2590 of this title.~~

** * * Conduct of Elections * * **

** * * Warnings, Notices, and Other Voter Information * * **

Sec. 25. 17 V.S.A. § 2521 is amended to read:

§ 2521. WARNINGS AND NOTICES

(a) Not less than 30 days before the election, the town clerk shall cause a warning and notice to be posted informing the voters of the town about the election. The warning shall include the date and time of the election, location of the polling place or places, nature of the election and offices or questions to be voted upon. The notice shall contain information on voter registration and early or absentee voting, on how to obtain ballots, mark them, get help marking them and obtain new ballots in place of those accidentally spoiled; information about offenses relating to elections; how to get help if there is a problem on election day; instructions for registrants by mail; instructions for first-time voters; instructions on who may cast a provisional ballot; instructions on how to cast a provisional ballot; information on federal and state laws prohibiting fraud and misrepresentation; instructions on how to contact the appropriate official if a person

believes any of his or her rights to vote have been violated; and other appropriate information. The warning and notice shall be posted in at least two public places within each town and in or near the town clerk's office. If a town has more than one polling place, the warning and notice shall be posted in at least two public places within each voting district and in or near the town clerk's office. The checklist shall also be posted as required in section 2141 of this title.

* * *

Sec. 26. 17 V.S.A. § 2522 is amended to read:

§ 2522. SAMPLE BALLOTS ~~AND OFFICIAL VOTER INFORMATION CARDS~~

(a) ~~Not less than ten days before the election~~ As soon as ballots are received by the town clerk, but not later than 20 days prior to any primary or general election or 10 days prior to any municipal election, the town clerk shall post sample ballots ~~and official voter information cards~~ in at least two public places within the town and in or near the town clerk's office. If a town has more than one polling place and the polling places are not all in the same building, the sample ballot ~~and official voter information cards~~ shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(b) The town clerk shall prepare the sample ballots by marking the words SAMPLE BALLOT prominently at the top of official election ballots. ~~In the case of voting machines, the town clerk shall prepare the sample ballots by preparing a form similar in layout and format to what appears in the voting machines.~~

* * *

** * * Conduct of Elections * * **

** * * Early or Absentee Voters * * **

Sec. 27. 17 V.S.A. § 2523(a) is amended to read:

(a) Before the polls open on election day, the presiding officer shall post copies of the warning and notice, and the sample ballots ~~and the official voter information cards~~ conspicuously in and about the polling place so that voters can reasonably be expected to see them before voting.

Sec. 28. 17 V.S.A. § 2542 is amended to read:

§ 2542. SIGNING CERTIFICATE

There shall be printed on the face of the envelope provided for use in returning early voter absentee ballots a certificate in substantially the following form:

"Early or Absentee Voter Ballots of _____"

(print your name)

I, _____, solemnly swear or affirm that I am a resident of the town (city) of _____, State of Vermont, and that I am a legal voter in this town (city).

_____

(your signature)

The early or absentee voter must sign the certificate on the outside of the envelope in order for the ballot to be valid. When an early or absentee voter is physically unable to sign his or her name, he or she may mark an "X" or take an oath swearing or affirming to the statement on the certificate. The officers who deliver the ballots shall witness the mark or oath and sign their names with a statement attesting to this fact on the envelope.

Sec. 29. 17 V.S.A. § 2546 is amended to read:

§ 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN BALLOT BOX

(a) ~~Upon receipt of the early or absentee voter's ballots, the election officials shall examine the checklist and ascertain that the early or absentee voter is qualified to vote, that he has not already voted in person and that the certificate on the envelope containing the ballots is properly filled out. When the election officials are satisfied that the early or absentee voter is legally qualified to vote, has not already voted in person and that the certificate is properly filled out, they shall open the envelope containing the ballots, and without unfolding the ballots or permitting the same to be opened or examined, shall have the proper election official place a mark upon the entrance and exit checklists indicating the fact that the voter has voted by means of an early or voter absentee ballot, and shall deposit the ballots in the proper ballot boxes. Such early voter absentee ballots shall be commingled with the ballots of voters who have voted in person, and thereafter treated as those ballots are treated.~~ The town clerk or presiding officer shall deliver the unopened early voter absentee ballots to the election officials at the place where the entrance checklist is located. If an elections official determines that the certificate on the envelope is signed by the early voter, the name of the early voter appears on the checklist, and the early voter is not a first-time voter in the municipality who registered by mail, the elections official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or voting machine. If the early voter is a first-time voter who registered by mail, the elections official shall determine whether the identification required under subdivision 2563(a)(1) of this title has been submitted by the voter. Upon ascertaining that the proper identification has been submitted by the voter, the elections official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or voting machine. If the proper identification has not been submitted, the ballot shall be treated as a provisional ballot, as provided in subchapter 6A of this chapter.

(b) ~~In the case of towns using voting machines, the early voter absentee ballots deposited under this section shall be deposited in ballot boxes or other secure containers. The ballot boxes or containers shall not be opened, and the early voter absentee ballots shall not be counted, until the polls are closed.~~ All early voter absentee ballots shall be commingled with the ballots of voters who have voted in person.

** * * Conduct of Elections * * **

** * * Provisional Voting * * **

Sec. 30. 17 V.S.A. chapter 51, subchapter 6A is added to read:

Subchapter 6A. Provisional Voting and Voter Affirmation

§ 2555. PROVISIONAL BALLOT ENVELOPES

The clerk shall deliver to each polling place on the date of the election a sufficient number of provisional ballot envelopes printed with a voter attestation. The attestation shall include:

(1) A statement informing the applicant of the requirements for voter eligibility set forth in section 2121 of this title and space for the provisional voter to provide the information necessary for the town clerk to determine eligibility, including a place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and the signature of the provisional voter signed under penalty of perjury. In addition, the attestation shall include the following information:

(A) The provisional voter's place and date of birth.

(B) The provisional voter's town of legal residence.

(C) The provisional voter's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(2) An attestation by the provisional voter that he or she submitted a properly completed voter application form before the application deadline. The attestation shall be signed by the provisional voter under penalty of perjury.

(3) Space on the application for documentation of the town clerk's action.

(4) A statement informing the provisional voter: "Provisional balloting allows a provisional voter only to vote in federal elections. If you wish to vote in any other state or local election, you should return this form to the elections officials and file an appeal in superior court in the county in which you live pursuant to section 2148 of Title 17. If you choose to vote by provisional ballot, after the close of the polls, the town clerk will determine whether you meet all eligibility requirements. If the clerk denies your application, he or she will inform you that the application has been denied."

§ 2556. PROVISIONAL VOTING

(a) If an individual's name does not appear on the checklist and the individual claims to have submitted an application for the checklist prior to noon on the second Monday before the election, the election official shall allow the individual to vote provisionally.

(b) The provisional voter shall be given a ballot that includes only candidates for federal offices and an envelope with an attestation printed upon it, as described in section 2555 of this title, and shall complete the attestation on the envelope. Upon completion, the provisional voter shall seal the envelope and deposit it in a ballot box marked for the receipt of provisional ballots.

(c) A provisional voter who makes a false statement in completing the attestation, knowing the statement to be false, shall be subject to the penalties of perjury as provided in chapter 65 of Title 13.

§ 2557. TOWN CLERK APPROVAL OF PROVISIONAL VOTER ATTESTATION

(a) The town clerk may make such investigation as he or she deems proper to verify any fact stated in the application. In making the determination whether to accept the provisional voter's attestation, the town clerk shall determine whether the applicant meets all of the registration eligibility requirements. However, the town clerk may not require a provisional voter to complete any form other than that approved under section 2555 of this title; nor may the board of civil authority require all provisional voters or any particular class or group of provisional voters to appear personally before a meeting of the board or routinely or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information contained in the attestation.

(b) Within two days after the close of the polls, the town clerk shall inform each provisional voter of his or her action on a provisional voter's attestation. If the clerk rejects a provisional voter, the clerk shall also notify the provisional voter immediately of his or her reasons by first class mail directed to the address given in the application.

(c) When the town clerk approves a provisional voter's attestation, the town clerk shall note his or her approval in the space provided on the envelope, photocopy the affidavit from all provisional envelopes, place all provisional envelopes with the official return of vote, and send all information to the secretary of state in a manner prescribed by the secretary.

(d) Upon receipt of the official return of vote that contains provisional envelopes from any town clerk, the secretary shall open all envelopes that were approved by the municipal clerk, deposit the ballot in a ballot box, and count all approved ballots, adding the totals to the statewide count for federal offices.

** * * Conduct of Elections * * **

** * * Process of Voting * * **

Sec. 31. 17 V.S.A. § 2561(a) is amended to read:

(a) At all elections using the Australian ballot system, the polls shall open no earlier than ~~six~~ 5:00 a.m. and no later than ~~ten~~ 10:00 a.m. as set by the board of civil authority in each town unless the board of civil authority has elected to open the polls earlier than 6:00 a.m. as provided in section 2494 of this title. The polls in all polling places shall close at ~~seven~~ 7:00 p.m.

Sec. 32. 17 V.S.A. § 2563 is amended to read:

§ 2563. ADMITTING VOTER

Before a person may be admitted ~~within the guardrail~~ to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance ~~through the guardrail~~ of the polling place shall then verify that the person's name appears on ~~one of the certified copies of~~ the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds

of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

(1) ~~repeat the name of the person;~~ If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) ~~place a check mark next to his name; and~~ If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

~~(3) admit him within the guardrail for the purpose of voting.~~

Sec. 33. 17 V.S.A. § 2567 is amended to read:

§ 2567. REGISTERING VOTES ON VOTING MACHINES

(a) If a voter is to register his vote upon a voting machine, he or she shall proceed, immediately upon being admitted within the guardrail, to a voting machine not occupied by another voter. ~~He~~ The voter shall then register his or her vote according to the instructions provided to voters with the machine. Upon leaving the voting machine, he or she shall proceed directly to the exit of the guardrail. ~~A voter shall not be allowed to occupy a voting machine more than five minutes when other voters are waiting to vote.~~

(b) All polling places, regardless of whether the municipality has voted to use a voting machine pursuant to section 2492 of this title, shall possess at least one voting system approved by the secretary of state equipped for individuals with disabilities, including accessibility for the blind and visually impaired, to vote independently and privately.

Sec. 34. 17 V.S.A. § 2569 is amended to read:

§ 2569. ASSISTANCE TO VOTER

(a) A voter who declares to the presiding officer that he or she ~~cannot read or write or by reason of physical or mental disability is unable~~ needs assistance to mark the ballot or register a vote on a machine~~, as the case may be,~~ shall~~, upon request, be directed by the presiding officer to a booth in which the voter may~~ be assisted in the marking or registering of the ballot by a person of the voter's choice or two election officials ~~or a person of the voter's choice, provided that the person so chosen is not the employer or union representative of the voter desiring assistance~~ of different party affiliations.

* * *

Sec. 35. 17 V.S.A. § 2573 is amended to read:

§ 2573. NO COUNTING BEFORE POLLS CLOSE

~~The~~ In towns using paper ballots, the ballot boxes shall not be opened nor the ballots counted before the closing of the polls. In towns using voting machines, the machine counts shall not be viewed or printed before the closing of the polls.

Sec. 36. 17 V.S.A. § 2582 is amended to read:

§ 2582. PRESIDING OFFICER TO DIRECT COUNT; TRANSPORTING BALLOTS OR CHECKLIST

The presiding officer shall direct the manner in which the votes are counted, subject to the provisions of this ~~subchapter~~ title and as provided for in the rules for counting ballots adopted by the secretary of state. Ballots shall be counted at the polling places where they are cast, except where the secretary of state ~~determines that it would not be practical because of the type of voting machine employed and except for ballots cast in union school district votes on bond issues which, under section 706w of Title 16, shall be commingled~~, upon request of the presiding officer, has issued a determination that the ballots should be counted elsewhere, or the checklist should be moved by two elections officials of different parties for the purpose of making a photocopy.

** * * Conduct of Elections * * **

** * * Count and Return of Votes * * **

Sec. 37. 17 V.S.A. § 2583(b) is amended to read:

(b) If in the case of voting machines an exit checklist is not used, as provided by section 2496 of this title, ~~alternative material~~ read-out sheets and other machine materials which ~~is~~ are used to provide equivalent security shall be sealed and stored with the ballots and tally sheets.

Sec. 38. 17 V.S.A. § 2587 is amended to read:

§ 2587. RULES FOR COUNTING BALLOTS

(a) In counting ballots, election officials shall attempt to ascertain the intent of the voter, as expressed by his markings on the ballot which is consistent with guidance adopted by the secretary of state. The secretary shall adopt, by rule, guidance on determining whether a ballot is spoiled. If it is impossible to determine the intent of the voter for any office or public question, the ballot shall be counted as blank or spoiled, as the case may be, for that office or question; but that determination shall not control any other office or question on the ballot for which the voter's intent can be determined. If they have any doubt about the intent of the voter or any other question about a ballot, the election officials counting the ballot shall bring it to the presiding officer, who shall present the question of how to treat the ballot to the assembled election officials. The decision of how to treat the ballot shall be made by majority vote of the election officials who are present.

** * **

(e) In the case of "write-in" votes, the act of writing in the name of a candidate, or pasting a label containing a candidate's name upon the ballot, without other indications of the voter's intent, shall constitute a vote for that candidate, even though no cross is placed after such name. The election officials counting ballots and tallying results must list every person who receives a "write-in" vote and the number of votes received. On each tally sheet, the counters shall add together the names of candidates that are clearly the same person, even though a nickname or last name is used. Names of fictitious persons shall not be listed.

* * *

** * * Conduct of Elections * * **

** * * Recounts * * **

Sec. 39. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

As the count of votes for each office or public question is completed, the presiding officer and at least one other election official shall collect the tally sheets, enter the totals shown on the tally sheets upon the summary sheets, add and enter the sum of such figures, and sign the summary sheets. As each summary sheet is completed, the presiding officer shall publicly announce the results. The presiding officer and one other election official then shall proceed either to complete the return at once, or to store the summary sheets in a safe and secure place until their retrieval for completion of the return. In any event, no later than 24 hours after the polls close, the presiding officer and at least one other election official shall transfer the totals from the summary sheets to the proper spaces on the return, and both shall sign the return. The town clerk shall store the summary sheets safely so that the public cannot reasonably have access to them for a period of 90 days without the town clerk's consent. The original of the return shall be delivered to the town clerk. ~~Within~~ In a manner prescribed by the secretary of state and within 48 hours of the close of the polls, the town clerk shall deliver ~~in person or mail~~ to the secretary of state, the senatorial district clerk, the county clerk, and the representative district clerk, one certified copy each of the return. The town clerk shall also make a copy available to the public upon request.

Sec. 40. 17 V.S.A. § 2592(k) is amended to read:

§ 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN GENERAL OR SPECIAL ELECTIONS

* * *

(k) In the case of the offices of governor, lieutenant governor, treasurer, secretary of state, attorney general, and auditor of accounts, the canvassing committee shall prepare a certificate of election but shall not sign it. The prepared certificate shall be presented to the official canvassing committee appointed by the general assembly, pursuant to chapter II, section 47 of the Vermont constitution, for their use if they desire.

Sec. 41. 17 V.S.A. § 2602l is amended to read:

§ 2602l. RECOUNTS USING VOTING MACHINES

~~*When voting has been by machine of the tabulator type, the recount shall proceed according to the provisions of this section. When voting has been by machine of the punch or the lever type, the recount shall proceed as directed by the court, instead of according to the recount procedures established by this section.*~~ *In all recounts conducted under this chapter, ballots shall be counted by hand as described in sections 2602a through 2602k of this title.*

** * * Local Elections * * **

** * * Local Elections Using the Australian Ballot System * * **

Sec. 42. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

** * **

(c) Budgets. A vote whether to use the Australian ballot system to establish the budget shall be in substantially the following form:

"Shall (name of municipality) adopt its budget by Australian ballot?"

If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget. The legislative body shall establish a date for the vote on the revised budget, and shall take appropriate steps to warn a public informational meeting on the budget and the vote. The date of the public informational meeting shall be at least five days following the public notice. The date of the vote shall be at least seven days following the public notice. The vote on the revised budget shall be by Australian ballot and shall take place in the same locations that the first vote was taken. The budget shall be established if a majority of all votes cast are in favor. If the revised budget is rejected, the legislative body shall repeat the procedure in this subsection until a budget is adopted. Once a municipality votes to establish its budget by the Australian ballot system, the vote on the budget shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

** * **

(g) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question, ~~including~~ except the budget revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk's office. The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The hearing under this subsection may be held in conjunction with the meeting held under subsection 2640(c), in which case the moderator shall preside.

** * * Presidential Elections * * **

** * * Presidential Primary * * **

Sec. 43. 17 V.S.A. § 2704 is amended to read:

§ 2704. BALLOTS

A person voting at the primary shall be required to ask for the ballot of the party in which the voter wishes to vote and an election official shall record the voter's choice of ballot by marking the entrance checklist with a letter code, as designated by the secretary of state, to indicate the voter's party choice. The names of all candidates on the ballot shall be listed in alphabetical order. Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter's choice.

Sec. 44. 30 V.S.A. § 7059(e) is added to read:

(e) Notwithstanding any provision of law to the contrary, no person acting on behalf of the state of Vermont or any political subdivision of the state shall require an individual to disclose his or her enhanced 911 address, provided that the individual furnishes his or her alternative mailing address.

Sec. 45. EFFECTIVE DATES

(a) Secs. 4 and 7 of this act shall take effect January 1, 2004, unless the secretary of state receives a waiver, pursuant to Title III of United States Public Law 107-252, and files notice of that waiver with the legislative committee on administrative rules. Once a waiver is granted and notice filed, Secs. 4 and 7 of this act shall take effect on January 1, 2006.

(b) Sec. 33 shall take effect January 1, 2006.

Sec. 46. REPORT ON IMPLEMENTATION OF ELECTIONS REFORM

The secretary of state shall submit a report to the House and Senate Committees on Appropriations, the House Committee on Local Government, and the Senate Committee on Government Operations before January 15, 2004, summarizing the expenditures to implement United States Public Law 107-252.

6/7/03

GOVERNOR Date

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE.

ATTESTED TO:

Donald G. Milne
Clerk, House of Representatives

Sec. 1. 1 V.S.A. § 317(c) is amended to read:

(c) The following public records are exempt from public inspection and copying:

* * *

(31) records of a registered voter's month and day of birth, motor vehicle operator's license number, nondriver identification number, the last four digits of the applicant's Social Security number, and street address if different from the applicant's mailing address contained in an application to the statewide voter checklist or the statewide voter checklist established under section 2154 of Title 17.

1 preceding the day of the election. The town clerk's office shall be kept open
2 on the second Saturday preceding the day of the election from no later than
3 10:00 a.m. until 12:00 noon, for the purpose of receiving applications for
4 addition to the checklist. For purposes of this subsection, a mail application or
5 an application submitted to the department of motor vehicles in connection
6 with a motor vehicle driver's license or an application accepted by a voter
7 registration agency shall be considered to have met the filing deadline
8 established by this subsection if the application is postmarked, submitted or
9 accepted~~, as the case may be,~~ by 12:00 noon of the second Saturday preceding
10 the day of the election.
11 (b) If a person is not eligible to register prior to the second Saturday before
12 the day of election, but expects to be eligible on or before election day, he or
13 she may file with the town clerk a written notice of intention to apply for
14 addition of his or her name to the checklist. The notice shall be filed prior to
15 noon of the second Saturday preceding the day of election, and the ~~board of~~
16 ~~civil authority~~ town clerk shall then accept the person's application at any time
17 before the close of the polls on election day, and act upon the application
18 forthwith.
19 (c) If a person is not eligible to register prior to the second Saturday before
20 the day of the election, and has submitted a written notice of intent to apply in
21 accord with subsection (b) of this section, the clerk shall, upon application,

allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots.

(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in section 2640(b) of this title, the "day of election" shall be the first Tuesday in March.

See P. 6a-8a for Secs. B and 4

~~Sec. 3. 17 V.S.A. § 2144b is amended to read:~~

§ 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK~~; LOCAL OPTION~~

(a) A town ~~may vote at a special or annual town meeting to authorize its town clerk to approve additions to the checklist~~ clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter. Once approved, application information shall be added to the statewide voter checklist on an expedited basis. If an applicant has failed to state that he or she is a citizen and 18 years of age, the town clerk shall notify the applicant that the form was incomplete with sufficient time for the applicant to register before the next election.

(b) ~~Except as provided in this section, if the town votes to authorize the town clerk to approve additions to the checklist, applications shall not be~~

See P.6b

~~Sec. 3. 17 V.S.A. § 2144b is amended to read:~~

§ 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK~~; LOCAL OPTION~~

(a) A town ~~may vote at a special or annual town meeting to authorize its town clerk to approve additions to the checklist~~ clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter. Once approved, application information shall be added to the statewide voter checklist on an expedited basis. If an applicant has failed to state that he or she is a citizen and 18 years of age, the town clerk shall notify the applicant that the form was incomplete with sufficient time for the applicant to register before the next election.

(b) ~~Except as provided in this section, if the town votes to authorize the town clerk to approve additions to the checklist, applications shall not be reviewed by the board of civil authority, and the applicable provisions of sections 2144, 2145 and 2146 of this title shall apply to the clerk.~~

(c) If the town clerk does not determine that an applicant meets the requirements of section 2121 of this title, the clerk shall ~~forthwith~~ immediately forward the application to the board of civil authority, which shall~~, in a timely manner,~~ meet in a timely manner after the receipt of the application and proceed under section 2146 of this title to determine whether the applicant meets the requirements of section 2121. For purposes of adding applicants to the checklist, a quorum shall consist of three members of the board of civil authority.

(d) Periodically, or at least ten days prior to each election, the town clerk shall forward to ~~the board of civil authority a list of additions to the checklist.~~

~~Sec. 4. 17 V.S.A. § 2145 is amended to read:~~

Sec. 3. 17 V.S.A. § 2144b is amended to read:

§ 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK~~; LOCAL OPTION~~

(a) A town ~~may vote at a special or annual town meeting to authorize its town clerk to approve additions to the checklist~~ clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter and section 2103 of this title. Once approved, application information shall be added to the statewide voter checklist on an expedited basis. If an applicant has failed to state that he or she is a citizen and will be 18 years of age upon the date of the election, the town clerk shall notify the applicant that the form was incomplete with sufficient time for the applicant to register before the next election.

(b) ~~Except as provided in this section, if the town votes to authorize the town clerk to approve additions to the checklist, applications shall not be reviewed by the board of civil authority, and the applicable provisions of sections 2144, 2145 and 2146 of this title shall apply to the clerk.~~

(c) If the town clerk does not ~~believe~~ determine that an applicant meets the requirements of section 2121 of this title, the clerk shall ~~forthwith~~ immediately forward the application to the board of civil authority, which shall~~,~~ meet in a timely manner~~,~~ after the receipt of the application and proceed under section 2146 of this title to determine whether the applicant meets the requirements of section 2121. For purposes of adding applicants to the checklist, a quorum shall consist of three members of the board of civil authority.

(d) Periodically, or at least ~~ten~~ seven days prior to each election, the town clerk shall forward to the board of civil authority a list of additions to the checklist.

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the federal election commission or by the secretary of state. The application form approved by the secretary shall include:

(1) A ~~statement informing the applicant of the requirements for~~ place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title, a place for the applicant to indicate that the town clerk should assign a unique identifier pursuant to subdivision 2154(a)(4) of this title, and ~~space for the applicant to provide the information necessary for the board of civil authority to determine eligibility, including the applicant's town of residence, street address and, if the applicant's mailing address is different from his or her street address, the mailing address~~ a place for the signature of the applicant affirming, under penalty of perjury, that all information submitted by the applicant is accurate and truthful. The affirmation shall include the following information:

(A) The applicant's place and date of birth.

(B) The applicant's town of legal residence.

(C) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(D) A unique number issued pursuant to subdivision 2154(a)(4) of this title.

(2) ~~An attestation by the applicant that he or she satisfies all the voter eligibility requirements. The attestation shall be signed by the applicant under penalty of perjury.~~

~~(3)~~ The voter's oath and a space for a person administering the voter's oath to another to execute the written notification required by section 2124 of this title.

(3) Space for the town clerk to document action on the application.

(4) ~~Space for documentation of the board of civil authority's action on the application.~~

~~*(3) The following statements:*~~

"If you were provided with this form when you applied for, or renewed, a motor vehicle driver's license or were provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."

"If you are submitting this application in connection with a motor vehicle driver's license application, or renewal, or through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes."

(5) The following statement on applications provided by the department of motor vehicles: "Keep the voter registration receipt included with the department of motor vehicles application. Bring the receipt to the polls when you go to vote. This is proof you submitted an application before the deadline for registration."

~~*(6) A statement informing the applicant: "Keep a copy of this application form. Contact your town clerk to make sure your application has been received. Bring the copy to the polls when you go to vote. This is your proof you have submitted an application to the checklist before the deadline for registration."*~~

(b) ~~*Except for forms included as part of a department of motor vehicles license application, the registration application form shall be in four copies. One copy shall be retained by the applicant; three copies shall be forwarded to the town clerk. In the case of applications received at voter registration agencies, three copies shall be forwarded to the secretary of state who shall forward the copies to the town clerk of the applicant's town of residence. In the case of forms included as part of a department of motor vehicles license application, the form shall be in two copies. One copy shall be retained by the applicant; one copy shall be forwarded to the secretary of state who shall forward the form to the town clerk of the applicant's town of residence.*~~

~~reviewed by the board of civil authority, and the applicable provisions of sections 2144, 2145 and 2146 of this title shall apply to the clerk.~~

(c) If the town clerk does not believe that an applicant meets the requirements of section 2121 of this title, the clerk shall ~~forthwith~~ immediately forward the application to the board of civil authority, which shall~~, in a timely manner,~~ meet in a timely manner after the receipt of the application and proceed under section 2146 of this title to determine whether the applicant meets the requirements of section 2121. For purposes of adding applicants to the checklist, a quorum shall consist of three members of the board of civil authority.

(d) Periodically, or at least ten days prior to each election, the town clerk shall forward to the board of civil authority a list of additions to the checklist.

Sec. 4. 17 V.S.A. § 2145 is amended to read:

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the federal election commission or by the secretary of state. The application form approved by the secretary shall include:

(1) A ~~statement informing the applicant of the requirements for~~ place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title ~~and space for the applicant to provide the information necessary for the board~~

~~of civil authority to determine eligibility, including the applicant's town of residence, street address and, if the applicant's mailing address is different from his or her street address, the mailing address the signature of the applicant signed under penalty of perjury~~. The attestation shall include the following a place for the signature of the applicant affirming, under penalty of perjury, that all information submitted by the applicant is accurate and truthful information:

(A) The applicant's place and date of birth.

(B) The applicant's town of legal residence.

(C) The applicant's E911 street address and the mailing address, if different from the applicant's E911 address.

(D)(i) the applicant's Vermont driver's license number. As used in this subdivision, "driver's license number" means the identifier on the motor vehicle driver's license issued by the commissioner of motor vehicles, the unique identifier issued to a person on a nondriver identification or a unique number issued pursuant to subdivision 2154(a)(4) of this title; or

(ii) if the applicant does not possess a Vermont driver's license number, the last four digits of the applicant's Social Security number; or

(iii) if the applicant does not possess a Social Security number, the town clerk shall contact the secretary of state and the secretary shall assign a unique identifier for the applicant.

1 ~~(2) An attestation by the applicant that he or she satisfies all the voter~~
2 ~~eligibility requirements. The attestation shall be signed by the applicant under~~
3 ~~penalty of perjury.~~
4 ~~(3)~~ The voter's oath and a space for a person administering the voter's
5 oath to another to execute the written notification required by section 2124 of
6 this title.
7 (3) Space for the town clerk to document action on the application.
8 (4) ~~Space for documentation of the board of civil authority's action on~~
9 ~~the application.~~
10 ~~(5)~~ The following statements:
11 "If you were provided with this form when you applied for, or renewed, a
12 motor vehicle driver's license or were provided with this application form by a
13 voter registration agency, you may decline to register. If you decline to
14 register, your failure to register will remain confidential and will be used only
15 for voter registration purposes."
16 "If you are submitting this application in connection with a motor
17 vehicle driver's license application, or renewal, or through a voter registration
18 agency, the office through which you submitted this application will remain
19 confidential and will be used only for voter registration purposes."
20 (5) The following statement on applications provided by the department
21 of motor vehicles: "Keep the voter registration receipt included with the

1 department of motor vehicles application. Bring the receipt to the polls when
2 you go to vote. This is proof you submitted an application before the deadline
3 for registration."
4 ~~(6) A statement informing the applicant: "Keep a copy of this~~
5 ~~application form. Contact your town clerk to make sure your application has~~
6 ~~been received. Bring the copy to the polls when you go to vote. This is your~~
7 ~~proof you have submitted an application to the checklist before the deadline for~~
8 ~~registration."~~
9 (b) ~~Except for forms included as part of a department of motor vehicles~~
10 ~~license application, the registration application form shall be in four copies.~~
11 ~~One copy shall be retained by the applicant; three copies shall be forwarded to~~
12 ~~the town clerk. In the case of applications received at voter registration~~
13 ~~agencies, three copies shall be forwarded to the secretary of state who shall~~
14 ~~forward the copies to the town clerk of the applicant's town of residence. In~~
15 ~~the case of forms included as part of a department of motor vehicles license~~
16 ~~application, the form shall be in two copies. One copy shall be retained by the~~
17 ~~applicant; one copy shall be forwarded to the secretary of state who shall~~
18 ~~forward the form to the town clerk of the applicant's town of residence.~~
19 * * *

1 Sec. 5. 17 V.S.A. § 2147(a)(4) is amended to read:

2 § 2147. ALTERATION OF CHECKLIST

3 (a) Pursuant to section 2150 of this title, the board shall add to the checklist
4 posted in the town clerk's office the names of the voters added and the names
5 omitted by mistake, and shall strike the names of persons not entitled to vote.
6 The list so corrected shall not be altered except by:

7 * * *

8 (4) adding, at the polling place, the names of persons who sign a sworn
9 affidavit prepared by the secretary of state that they completed and submitted a
10 valid application for addition to the checklist of that town before the deadline
11 for applications and who otherwise are qualified to be added to the checklist;
12 or

13 * * *

14 Sec. 6. 17 V.S.A. § 2150 is amended to read:

15 § 2150. REMOVING NAMES FROM CHECKLIST

16 (a) When a voter from one town becomes a resident of another town and is
17 placed on the checklist there, the clerk shall send one copy of the voter
18 registration application form or other official notice to the clerk of the town
19 where the voter was formerly a resident, and that clerk shall strike the voter's
20 name from the checklist of that town. Likewise, when a town clerk receives a
21 copy of the death certificate of a voter, public notice of the death of a voter, or

official notice from the department of motor vehicles that a voter has authorized his or her address to be changed for voting purposes, the clerk shall strike the voter's name from the checklist. A town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

* * *

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

* * *

(3) If after conducting its inquiry the board of civil authority is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with ~~"address correction requested."~~ the required United States Postal Service language for requesting change of address information. (Enclosed with the notice shall be a postage paid pre-addressed return ~~card~~ form on which the voter may reply~~, either setting forth~~ swearing or affirming the voter's current place of residence as the

1 municipality in question ~~and requesting that the voter's name be retained upon~~
2 ~~the checklist,~~ or alternatively consenting to the removal of the voter's name.
3 The notice required by this subsection shall also include the following:
4 (A) A statement informing the voter that if the voter has not changed
5 his or her residence, or if the voter has changed his or her residence but the
6 change was within the area covered by the checklist, the voter should return
7 the ~~card~~ form to the town clerk's office on or before the date upon which the
8 checklist is closed under section 2144 of this title. The statement shall also
9 inform the voter that if he or she fails to return the ~~card~~ form as provided in
10 this subdivision, written affirmation of the voter's address shall be required
11 before the voter is permitted to vote.
12 (B) Information concerning how the voter can ~~continue to be eligible~~
13 ~~to vote if the voter has changed his or her residence to a place outside the area~~
14 ~~covered by the checklist~~ register to vote in another state or another
15 municipality within this state.
16 * * *
See P. 12a
17 ~~Sec. 7. 17 V.S.A. § 2154 is added to read:~~
18 § 2154. STATEWIDE VOTER CHECKLIST
19 (a) The secretary of state shall establish a uniform and nondiscriminatory,
20 statewide computerized voter registration checklist. This checklist shall serve

Sec. 7. 17 V.S.A. § 2154 is added to read:

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The secretary of state shall establish a uniform and nondiscriminatory, statewide computerized voter registration checklist. This checklist shall serve as the official voter registration list for all elections in the state. In establishing the statewide checklist, the secretary shall:

(1) allow the town clerk to enter applicant and voter information into the checklist;

(2) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that district's checklist;

(3) provide adequate security to prevent unauthorized access to the checklist, including limiting the access of local elections officials to only the portion of the checklist that applies to the official's district;

(4) allow a town clerk when registering an applicant pursuant to section 2145 of this title the ability to place voter registration information on the checklist and receive a unique identifier for the voter issued by the secretary of state.

(b) A registered voter's month and day of birth and street address if different from the applicant's mailing address shall not be considered a public record as defined in subsection 317(b) of Title 1. Any person wishing to obtain a copy of all or a portion of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to chapter 65 of Title 13, that the person will not use any portion of the checklist for commercial purposes. The affirmation shall be filed with the secretary of state.

1 as the official voter registration list for all elections in the state. In establishing
2 the statewide checklist, the secretary shall:
3 (1) allow local elections officials to enter applicant and voter
4 information into the checklist;
5 (2) notify a local elections official when a voter registered in that
6 official's district registers in another voting district so that the voter may be
7 removed from that district's checklist;
8 (3) provide adequate security to prevent unauthorized access to the
9 checklist;
See p. 13a
10 (4) ensure the compatibility and comparability of information on the
11 checklist with information contained in the department of motor vehicles'
12 computer systems. A municipal clerk when registering an applicant pursuant
13 to section 2145 of this title shall be able to submit all information required to
14 attain a nondriver's identification. In no case shall the applicant be required to
15 submit more information than is required in section 2145. The commissioner
16 of motor vehicles shall issue a unique number that shall become the
17 nondriver's identification number or the motor vehicle driver's license number
18 if the applicant chooses to apply for either form of identification.
19 (b) A registered voter's month and day of birth, motor vehicle driver's
20 license number, nondriver identification number, Social Security number, and
21 street address if different from the applicant's mailing address shall not be

A municipal clerk when registering an applicant pursuant to section 2145 of this title shall be able to place voter registration information on the statewide checklist and receive a unique identifier for the voter issued by the secretary of state's office.

1 considered a public record as defined in subsection 317(b) of Title 1. Any
2 person wishing to obtain a copy of all or a portion of the statewide voter
3 checklist must swear or affirm, under penalty of perjury pursuant to chapter 65
4 of Title 13, that the person will not use any portion of the checklist for
5 commercial purposes. The affirmation shall be filed with the secretary of state.
6 * * * Party Organization * * *
7 Sec. 8. 17 V.S.A. § 2321 is amended to read:
8 § 2321. REPRESENTATIVE DISTRICT COMMITTEE
9 The "representative district committee" of a party shall consist of those
10 members of the town committee residing in a representative district, as finally
11 established by the legislative apportionment board. A representative district
12 committee may encompass less than an entire town or may extend across town
13 lines~~, as the case may be~~. Such a committee shall elect its own officers when
14 called upon to meet, but it need not meet unless required to perform some
15 function under this title. Any three members may call the first meeting by
16 giving at least ~~seven~~ five days written notice to all other members; thereafter,
17 the committee shall meet at the call of the ~~chairman~~ chair.
18 Sec. 9. 17 V.S.A. § 2322 is amended to read:
19 § 2322. SENATORIAL DISTRICT COMMITTEE
20 The "senatorial district committee" of a party shall consist of those
21 members of the county committee residing in a senatorial district. A senatorial

1 district committee may encompass less than an entire county or may extend
2 across county lines~~, as the case may be~~. Such a committee shall elect its own
3 officers when called upon to meet, but it need not meet unless required to
4 perform some function under this title. Any three members may call the first
5 meeting by giving at least ~~seven~~ five days written notice to all other members;
6 thereafter, the committee shall meet at the call of the ~~chairman~~ chair.
7 Sec. 10. 17 V.S.A. § 2323 is amended to read:
8 § 2323. PROBATE DISTRICT COMMITTEE
9 The "probate district committee" of a party shall consist of those members
10 of the county committee residing in a probate district. Such a committee shall
11 elect its own officers when called upon to meet, but it need not meet unless
12 required to perform some function under this title. The ~~chairman~~ chair of the
13 county committee may call the first meeting by giving at least ~~seven~~ five days
14 written notice to all other members; thereafter the committee shall meet at the
15 call of the probate district ~~chairman~~ chair.
16 * * * Nominations * * *
17 * * * Primary Elections * * *
18 Sec. 11. 17 V.S.A. § 2353 is amended to read:
19 § 2353. PETITIONS TO PLACE NAMES ON BALLOT
20 (a) The name of any person shall be printed upon the primary ballot as a
21 candidate for nomination by any major political party for any office indicated,

1 if petitions containing the requisite number of signatures made by legal voters,
2 in substantially the following form, are filed with the proper official, together
3 with the person's written consent to having his name printed on the ballot:
4 STATE OF VERMONT
5 County of .....) ss.
6 City (town) of .....)
7 I join in a petition to place on the primary ballot of the ..... party
8 the name of ....., whose residence is in the (city), (town) of
9 ..... in the county of ....., for the office of ..... ,
10 including the correct house or senate district name, to be voted for on Tuesday,
11 the ..... day of September, 20 .....; and I certify that I am at the present
12 time a registered voter and am qualified to vote for a candidate for this office.
13 * * *
14 (c) Representative district clerks, senatorial district clerks, county clerks,
15 and the secretary of state shall not accept any petition for any candidate that
16 does not contain the correct house or senate district name, county office, or
17 statewide office name.
18 Sec. 12. 17 V.S.A. § 2356 is amended to read:
19 § 2356. TIME FOR FILING PETITIONS
20 Primary petitions shall be filed no sooner than the first Monday in June and
21 not later than 5:00 p.m. on the third Monday of July preceding the primary

1 election prescribed by section 2351 of this title, and not later than 5:00 p.m. of
2 the ~~forty second~~ 42nd day prior to the day of a special primary election.
3 Sec. 13. 17 V.S.A. § 2361 is amended to read:
4 § 2361. CONSENT OF CANDIDATE
5 A candidate for whom petitions containing sufficient valid signatures have
6 been filed shall file with the official with whom the petitions were filed a
7 consent to the printing of the candidate's name on the ballot. The secretary of
8 state shall prepare and furnish forms for this purpose. The consent shall set
9 forth the name of the candidate, as the candidate wishes to have it printed on
10 the ballot, the candidate's town of residence and correct mailing address. The
11 consent shall be filed on or before the day ~~primary~~ petitions are due. Unless a
12 consent is filed, the candidate's name shall not be printed on the primary
13 ballot.
14 * * * Nominations * * *
15 * * * Nominations by Party Committee * * *
16 Sec. 14. 17 V.S.A. § 2386 is amended to read:
17 § 2386. TIME FOR FILING STATEMENTS
18 (a) Statements pursuant to this subchapter, except for vacancies created by
19 the death or withdrawal of a candidate after the primary, shall be filed not more
20 than 60 days before the day of the general election and not later than 5:00 p.m.
21 on the third day following the primary election.

1 (b) In the case of the death or withdrawal of a candidate after the primary
2 election, the party committee shall have seven days from the date of the
3 withdrawal to nominate a candidate. In no event, shall a statement be filed
4 later than 40 days prior to the election.
5 * * * Nominations * * *
6 * * * Miscellaneous Provisions * * *
7 Sec. 15. 17 V.S.A. § 2412 is amended to read:
8 § 2412. WITHDRAWAL OF CANDIDACY
9 A candidate who has been validly nominated by one of the methods
10 prescribed in this chapter shall have a right to withdraw his or her candidacy
11 up until 5:00 p.m. on the ~~47th day before the day of the election~~ third day
12 following the primary by filing a written notice of withdrawal with the town
13 clerk in case of a candidate for justice of the peace, and with the secretary of
14 state in case of all other offices. The name of a candidate who has withdrawn
15 shall not be printed on the ballot. After that date, if the candidate has filed a
16 written notice of withdrawal, the town clerk or secretary of state may still
17 remove the candidate's name from the ballot up until ~~a~~ the printing deadline
18 ~~which he shall publicly announce ahead of time~~.
19 Sec. 16. 17 V.S.A. § 2457(a) is amended to read:
20 (a) The secretary of state shall organize regional workshops for election
21 officials, provide them with informational materials about the conduct of

1 elections and recounts and otherwise help them run elections in ~~a proper and~~
2 ~~legal manner~~ conformance with state and federal law.
3 * * * Conduct of Elections * * *
4 * * * Elections Officials * * *
5 See P. 19a
~~Sec. 17. 17 V.S.A. § 2454 is amended to read:~~
6 § 2454. ASSISTANT ELECTION OFFICERS
7 Prior to the day of the election, the board of civil authority shall appoint a
8 sufficient number of voters from each voting district to serve as assistant
9 election officers in their respective polling places. The board of civil authority
10 may appoint residents of a voting district who are 16 or 17 years old to serve as
11 assistant elections officers in their respective polling places. As far as
12 possible, the board shall attempt to appoint an equal number of persons from
13 each major political party. Each assistant election officer shall be sworn prior
14 to entering on the performance of his or her duties. An assistant town clerk
15 ~~may serve as an assistant elections officer, regardless of his or her residence.~~
16 Sec. 18. 17 V.S.A. § 2458 is added to read:
17 § 2458. COMPLAINT PROCEDURE
18 The secretary of state shall adopt rules to establish a uniform and
19 nondiscriminatory complaint procedure to be used by any person who believes
20 that a violation of this title or any other provision of Title III of United States
21 Public Law 107-252 has occurred, is occurring, or is about to occur. For

See P. 18b

~~Sec. 17. 17 V.S.A. § 2451 is amended to read:~~

§ 2451. BOARD OF CIVIL AUTHORITY

The board of civil authority shall have charge of the conduct of elections within the political subdivision for which it is elected. At any time before an election, the board of civil authority may adopt guidance for election officials that assist officials in conducting elections within the political subdivision. A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place.

~~Sec. 17. 17 V.S.A. § 2451 is amended to read:~~

§ 2451. BOARD OF CIVIL AUTHORITY

The board of civil authority shall have charge of the conduct of elections within the political subdivision for which it is elected. At any time before an election, the board of civil authority may issue guidance for elections officials that assist officials in conducting elections within the political subdivision. In no case, may guidance issued by the board conflict with federal or state elections laws. A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place.

Sec. 17a. 17 V.S.A. § 2454 is amended to read:

§ 2454. ASSISTANT ELECTION OFFICERS

(a) Prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each voting district to serve as assistant election officers in their respective polling places. As far as possible, the board shall attempt to appoint an equal number of persons from each major political party. Each assistant election officer shall be sworn prior to entering on the performance of his or her duties. An assistant town clerk may serve as an assistant elections officer, regardless of his or her residence.

(b) The board of civil authority may appoint residents of a voting district who are 16 or 17 years old to serve as assistant elections officers in their respective polling places. Youth assistant election officers shall have the same duties as adult assistant election officers but shall work under the direct supervision of adult election officials.

1 purposes of this section, "complaint" shall mean a statement in writing made
2 by a voter stating, with particularity, the violation, notarized, and sworn or
3 affirmed under penalty of perjury. The secretary's rules shall provide for an
4 informal proceeding to hear complaints for all complainants unless a formal
5 hearing is requested. Formal complaints held pursuant to this section shall be
6 in conformance with the rules adopted by the secretary. Any decision of the
7 secretary may be appealed to the superior court in the county where the
8 individual resides.

9 * * * Conduct of Elections * * *

10 * * * Ballots * * *

11 Sec. 19. 17 V.S.A. § 2474 is amended to read:

12 § 2474. CHOICE OF PARTY

13 (a) A person nominated by any means for the same office by more than one
14 political party, ~~at least 36 days before the day of the~~ not later than the second
15 Friday following the primary election may elect the party or parties in which
16 the nominee will be a candidate. The nominee shall notify in writing the
17 secretary of state or town clerk, as the case may be, of such choice, and only
18 the party or parties which the nominee so elects shall be printed next to the
19 nominee's name on the ballot.

20 (b) A candidate for state or congressional office who is the nominee of two
21 or more political parties shall file with the secretary of state, ~~at least 36 days~~

1 ~~before the day of the~~ not later than the second Friday following the primary
2 election, a statement designating for which party the votes cast for him or her
3 shall be counted for the purposes of determining whether his or her designated
4 party shall be a major political party. The party so designated shall be the first
5 party to be printed immediately after the candidate's name on the ballot. If a
6 candidate does not file the statement at least 36 days before the date of
7 election, the secretary of state shall designate by lot the party to be printed
8 immediately after the candidate's name.

9 * * * Conduct of Elections * * *

10 * * * Voting Machines * * *

11 Sec. 20. 17 V.S.A. § 2491 is amended to read:

12 § 2491. POLITICAL SUBDIVISION MAY USE VOTING MACHINES

13 A town may vote at any annual or special meeting to employ ~~mechanical or~~
14 electronic devices ("voting machines") for the registering and counting of
15 votes in subsequent elections. Voting machines may be used in combination
16 with the paper ballots described in the preceding subchapter, so that each voter
17 may choose whether to use a paper ballot or a voting machine to cast his or her
18 vote, if the town so votes.

1 Sec. 21. 17 V.S.A. § 2492 is amended to read:

2 § 2492. LEGISLATIVE BRANCH TO OBTAIN VOTING MACHINES

3 ~~(a)~~ If a town votes to use voting machines~~, in whole or in part, for voting in~~
4 ~~subsequent elections~~ at least six months prior to the next primary or general
5 election, the legislative body shall ~~make arrangements to~~ rent or purchase
6 voting machines ~~of standard make,~~ approved by the secretary of state~~, capable~~
7 ~~of providing a simple and convenient means of voting and ascertaining the true~~
8 ~~result~~. The town shall be responsible for all expenses attendant upon the
9 purchase or rental of voting machines and the secretary of state shall furnish
10 the ballots. Other election materials which are not particular to voting
11 machines shall be prepared at state expense, under the direction of the
12 secretary of state, except for local elections, which shall be governed by
13 ~~17 V.S.A. §~~ section 2682 of this title.

14 ~~(b) The secretary of state may attach conditions to the approval of a voting~~
15 ~~machine if he deems it necessary to further the purposes of this chapter.~~

See P. 22a

16 Sec. 22. 17 V.S.A. § 2493 is amended to read:

17 § 2493. ~~REGULATIONS~~ RULES FOR USE OF VOTING MACHINES

18 ~~The secretary of state shall make regulations for the use of voting machines.~~
19 ~~These regulations may cover any of the following:~~

20 ~~(1) The format of machine programs for the primary and general~~
21 ~~elections;~~

Sec. 22. 17 V.S.A. § 2493 is amended to read:

§ 2493. REGULATIONS RULES FOR USE OF VOTING MACHINES

(a) The secretary of state shall make regulations for the use of voting machines. These regulations may cover any of the following:

(1) The format of machine programs for the primary and general elections;

(2) The content of summary sheets;

(3) The content of all voter instruction materials provided by a town;

(4) Security before and after the election;

(5) Obtaining and recording machine totals;

(6) Duties of election officials;

(7) Availability of machines during polling hours;

(8) Disposition of checklists, summary sheets and machine materials after the election;

(9) Other matters pertaining to the proper use of voting machines under this title.

The secretary of state shall adopt rules governing the use and the selection of any voting machine in the state. These rules may include requirements that:

(1) All municipalities that have voted to use a voting machine shall use a uniform voting machine approved by the secretary of state.

(2) The secretary of state shall provide for the security of voting machines at all times.

(3) All voting machines shall be set to reject a ballot that contains an overvote and provide the voter the opportunity to correct the overvote, have the ballot declared spoiled, and obtain another ballot. If an early voter absentee ballot contains an overvote, the elections official shall override the voting machine and count all races except any race that contains an overvote.

(4) All voting machines shall be set not to reject undervotes.

(b) Each voting machine shall be tested using official ballots that are marked clearly as "test ballots" at least ten days prior to an election.

1 ~~(2) The content of summary sheets;~~

2 ~~(3) The content of all voter instruction materials provided by a town;~~

3 ~~(4) Security before and after the election;~~

4 ~~(5) Obtaining and recording machine totals;~~

5 ~~(6) Duties of election officials;~~

6 ~~(7) Availability of machines during polling hours;~~

7 ~~(8) Disposition of checklists, summary sheets and machine materials~~

8 ~~after the election;~~

9 ~~(9) Other matters pertaining to the proper use of voting machines under~~

10 ~~this title.~~

11 The secretary of state shall adopt rules governing the use and the selection

12 of any voting machine in the state. These rules may include requirements that:

13 (1) All municipalities that have voted to use a voting machine shall use a

14 uniform voting machine approved by the secretary of state.

15 (2) The secretary of state shall provide for the security of voting

16 machines at all times.

17 (3) All voting machines shall be set to reject any ballot that contains an

18 overvote and provide the voter the opportunity to be notified of the overvote,

19 have the ballot declared spoiled, and obtain another ballot.

20 (4) All voting machines shall be set to not reject undervotes.

1 (b) Each voting machine shall be tested using official ballots that are
2 marked clearly as "test ballots" at least ten days prior to an election.
3 Sec. 23. 17 V.S.A. § 2494 is amended to read:
4 § 2494. CONSTRUCTION WITH OTHER LAWS
5 Except as this subchapter affects the method of registering votes and
6 ascertaining the result, the laws of this state pertaining to elections shall be
7 applicable. The laws pertaining to early or absentee voters shall in no way be
8 affected by this subchapter, and votes cast by early or absentee voters shall be
9 counted with votes registered on voting machines. In towns using voting
10 machines, the board of civil authority may vote to open polling places at
11 5:00 a.m., provided that at least three elections officials are present, two of
12 whom are from different parties, solely for the purpose of checking voters who
13 voted by early voter absentee ballot off the checklist and depositing the ballots
14 into the ballot box or voting machine. If all early voter absentee ballots have
15 not been deposited into the voting machines before the closing of the polls at
16 7:00 p.m., the elections officials shall continue to deposit ballots using the
17 same procedure as provided in subsection 2561(b) of this title, treating each
18 ballot as a voter waiting to cast his or her ballot at the close of the polls.
See P. 24a
19 Sec. 24. 17 V.S.A. § 2499(b) is amended to read:
20 (b) The exit checklist or checklists, as the case may be, the early voter
21 absentee ballots, tally sheets for early voter absentee ballots, read-out sheets,

Sec. 24. 17 V.S.A. § 2499(b) is amended to read:

(b) ~~*The checklist or checklists, as the case may be, the early voter absentee ballots, tally sheets for early voter absentee ballots, read-out sheets and other machine materials shall be sealed in the ballot bags provided by the secretary as soon as all the votes have been counted. The container and contents shall be secured and stored as provided in section 2590 of this title.*~~

1 the entrance checklist, and other machine materials shall be sealed in the ballot
2 bags provided by the secretary as soon as all the votes have been counted.
3 Before sealing the entrance checklist, the town clerk shall make a photocopy of
4 the entrance checklist and retain the photocopy of that checklist in the town
5 clerk's office as a public record. The container and contents shall be secured
6 and stored as provided in section 2590 of this title.
7 * * * Conduct of Elections * * *
8 * * * Warnings, Notices, and Other Voter Information * * *
9 Sec. 25. 17 V.S.A. § 2521 is amended to read:
10 § 2521. WARNINGS AND NOTICES
11 (a) Not less than 30 days before the election, the town clerk shall cause a
12 warning and notice to be posted informing the voters of the town about the
13 election. The warning shall include the date and time of the election, location
14 of the polling place or places, nature of the election and offices or questions to
15 be voted upon. The notice shall contain information on voter registration and
16 early or absentee voting, on how to obtain ballots, mark them, get help
17 marking them and obtain new ballots in place of those accidentally spoiled;
18 information about offenses relating to elections; how to get help if there is a
19 problem on election day; instructions for registrants by mail; instructions for
20 first-time voters; instructions on who may cast a provisional ballot; instructions
21 on how to cast a provisional ballot; information on federal and state laws

1 ~~prohibiting fraud and misrepresentation;~~ instructions on how to contact the
2 appropriate official if a person believes any of his or her rights to vote have
3 been violated; and other appropriate information. The warning and notice shall
4 be posted in at least two public places within each town and in or near the town
5 clerk's office. If a town has more than one polling place, the warning and
6 notice shall be posted in at least two public places within each voting district
7 and in or near the town clerk's office. The checklist shall also be posted as
8 required in section 2141 of this title.

9 * * *

10 Sec. 26. 17 V.S.A. § 2522 is amended to read:

11 § 2522. SAMPLE BALLOTS ~~AND OFFICIAL VOTER INFORMATION~~
12 ~~CARDS~~

13 (a) ~~Not less than ten days before the election~~ As soon as ballots are
14 received by the town clerk, but not later than 20 days prior to the election, the
15 town clerk shall post sample ballots ~~and official voter information cards~~ in at
16 least two public places within the town and in or near the town clerk's office.
17 If a town has more than one polling place and the polling places are not all in
18 the same building, the sample ballot ~~and official voter information cards~~ shall
19 be posted in at least two public places within each voting district and in or near
20 the town clerk's office.

1 (b) The town clerk shall prepare the sample ballots by marking the words
2 SAMPLE BALLOT prominently at the top of official election ballots. ~~In the~~
3 ~~case of voting machines, the town clerk shall prepare the sample ballots by~~
4 ~~preparing a form similar in layout and format to what appears in the voting~~
5 ~~machines.~~
6 * * *
7 * * * Conduct of Elections * * *
8 * * * Early or Absentee Voters * * *
9 Sec. 27. 17 V.S.A. § 2523(a) is amended to read:
10 (a) Before the polls open on election day, the presiding officer shall post
11 copies of the warning and notice, and the sample ballots ~~and the official voter~~
12 ~~information cards~~ conspicuously in and about the polling place so that voters
13 can reasonably be expected to see them before voting.
14 Sec. 28. 17 V.S.A. § 2542 is amended to read:
15 § 2542. SIGNING CERTIFICATE
16 There shall be printed on the face of the envelope provided for use in
17 returning early voter absentee ballots a certificate in substantially the following
18 form:
19 "Early or Absentee Voter Ballots of
20 _____"
21 (print your name)

1 I, _____, solemnly swear or affirm that I am a resident of
2 the town (city) of _____, State of Vermont, and that I am a legal
3 voter in this town (city).
4 _____
5 (your signature)
6 The early or absentee voter must sign the certificate on the outside of the
7 envelope in order for the ballot to be valid. When an early or absentee voter is
8 physically unable to sign his or her name, he or she may mark an "X" or take
9 an oath swearing or affirming to the statement on the certificate. The officers
10 who deliver the ballots shall witness the mark or oath and sign their names
11 with a statement attesting to this fact on the envelope.
12 Sec. 29. 17 V.S.A. § 2546 is amended to read:
13 § 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN
14 BALLOT BOX
15 (a) ~~Upon receipt of the early or absentee voter's ballots, the election~~
16 ~~officials shall examine the checklist and ascertain that the early or absentee~~
17 ~~voter is qualified to vote, that he has not already voted in person and that the~~
18 ~~certificate on the envelope containing the ballots is properly filled out. When~~
19 ~~the election officials are satisfied that the early or absentee voter is legally~~
20 ~~qualified to vote, has not already voted in person and that the certificate is~~
21 ~~properly filled out, they shall open the envelope containing the ballots, and~~

1 ~~without unfolding the ballots or permitting the same to be opened or examined,~~
2 ~~shall have the proper election official place a mark upon the entrance and exit~~
3 ~~checklists indicating the fact that the voter has voted by means of an early or~~
4 ~~voter absentee ballot, and shall deposit the ballots in the proper ballot boxes.~~
5 ~~Such early voter absentee ballots shall be commingled with the ballots of~~
6 ~~voters who have voted in person, and thereafter treated as those ballots are~~
7 ~~treated.~~ The town clerk or presiding officer shall deliver the unopened early
8 voter absentee ballots to the election officials at the place where the entrance
9 checklist is located. If an elections official determines that the certificate on
10 the envelope is signed by the early voter, the name of the early voter appears
11 on the checklist, and the early voter is not a first-time voter who registered by
12 mail, the elections official shall mark the checklist, open the envelope, and
13 deposit the ballot in the proper ballot box or voting machine. If the early voter
14 is a first-time voter who registered by mail, the elections official shall
15 determine whether the identification required under subdivision 2563(a)(1) of
16 this title has been submitted by the voter. Upon ascertaining that the proper
17 identification has been submitted by the voter, the elections official shall mark
18 the checklist, open the envelope, and deposit the ballot in the proper ballot box
19 or voting machine. If the proper identification has not been submitted, the
20 ballot shall be treated as a provisional ballot, as provided in subchapter 6A of
21 this chapter.

1 (b) ~~In the case of towns using voting machines, the early voter absentee~~
2 ~~ballots deposited under this section shall be deposited in ballot boxes or other~~
3 ~~secure containers. The ballot boxes or containers shall not be opened, and the~~
4 ~~early voter absentee ballots shall not be counted, until the polls are closed.~~ All
5 early voter absentee ballots shall be commingled with the ballots of voters who
6 have voted in person.

7 * * * Conduct of Elections * * *

8 * * * Provisional Voting * * *

9 Sec. 30. 17 V.S.A. chapter 51, subchapter 6A is added to read:

10 Subchapter 6A. Provisional Voting and Voter Affirmation

11 § 2555. PROVISIONAL BALLOT ENVELOPES

12 The clerk shall deliver to each polling place on the date of the election a
13 sufficient number of provisional ballot envelopes printed with a voter
14 attestation. The attestation shall include:

See P. 30a

15 (1) A statement informing the applicant of the requirements for voter
16 eligibility set forth in section 2121 of this title and space for the provisional
17 voter to provide the information necessary for the town clerk to determine
18 eligibility, including a place for the applicant to swear or affirm, by checking
19 the appropriate box, that he or she meets all voter eligibility requirements set
20 forth in section 2121 of this title and the signature of the provisional voter

(1) A statement informing the applicant of the requirements for voter eligibility set forth in section 2121 of this title and space for the provisional voter to provide the information necessary for the town clerk to determine eligibility, including a place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and the signature of the provisional voter signed under penalty of perjury. In addition, the attestation shall include the following information:

(A) The provisional voter's place and date of birth.

(B) The provisional voter's town of legal residence.

(C) The provisional voter's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

1 signed under penalty of perjury. In addition, the attestation shall include the
2 following information:
3 (A) The provisional voter's place and date of birth.
4 (B) The provisional voter's town of legal residence.
5 (C) The provisional voter's E911 street address and mailing address,
6 if different from the provisional voter's E911 address.
7 (D)(i) the applicant's Vermont driver's license number. As used in
8 this subdivision, "driver's license number" means the identifier on the motor
9 vehicle driver's license issued by the commissioner of motor vehicles, or the
10 unique identifier issued to a person on a nondriver identification; or
11 (ii) if the applicant does not possess a Vermont driver's license
12 number, the last four digits of the applicant's Social Security number; or
13 (iii) if the applicant does not possess a Social Security number, the
14 town clerk shall contact the secretary of state and the secretary shall assign a
15 unique identifier for the applicant.
16 (2) An attestation by the provisional voter that he or she submitted a
17 properly completed voter application form to vote before the application
18 deadline. The attestation shall be signed by the provisional voter under penalty
19 of perjury.
20 (3) Space on the application for documentation of the town clerk's
21 action.

1 (4) A statement informing the provisional voter: "Provisional balloting
2 allows a provisional voter only to vote in federal elections. If you wish to vote
3 in any other election, you should return this form to the elections officials and
4 file an appeal in superior court in the county in which you live pursuant to
5 section 2148 of Title 17. After the close of the polls, the town clerk will
6 determine whether you meet all eligibility requirements. If the clerk denies
7 your application, he or she will inform you that the application has been
8 denied."
9 § 2556. PROVISIONAL VOTING
10 (a) If an individual's name does not appear on the checklist and the
11 individual claims to have submitted an application for the checklist prior to
12 noon on the second Saturday before the election, the election official shall
13 allow the individual to vote provisionally.
14 (b) The provisional voter shall be given a ballot that includes only
15 candidates for federal offices and an envelope with an attestation printed upon
16 it, as described in section 2555 of this title, and shall complete the attestation
17 on the envelope. Upon completion, the provisional voter shall seal the
18 envelope and deposit it in a ballot box marked for the receipt of provisional
19 ballots.

1 (c) A provisional voter who makes a false statement in completing the
2 attestation, knowing the statement to be false, shall be subject to the penalties
3 of perjury as provided in chapter 65 of Title 13.
4 § 2557. TOWN CLERK APPROVAL OF PROVISIONAL VOTER
5 ATTESTATION
6 (a) The town clerk may make such investigation as he or she deems proper
7 to verify any fact stated in the application. In making the determination
8 whether to accept the provisional voter's attestation, the town clerk shall
9 determine whether the applicant meets all of the registration eligibility
10 requirements. However, the town clerk may not require a provisional voter to
11 complete any form other than that approved under section 2555 of this title;
12 nor may the board of civil authority require all provisional voters or any
13 particular class or group of provisional voters to appear personally before a
14 meeting of the board or routinely or as a matter of policy require provisional
15 voters to submit additional information to verify or otherwise support the
16 information contained in the attestation.
17 (b) Within two days after the close of the polls, the town clerk shall inform
18 each provisional voter of his or her action on a provisional voter's attestation.
19 If the clerk rejects a provisional voter, the clerk shall also notify the
20 provisional voter immediately of his or her reasons by telephone and by first
21 class mail directed to the address given in the application.

1 (c) When the town clerk approves a provisional voter's attestation, the
2 town clerk shall note his or her approval in the space provided on the envelope,
3 photocopy the affidavit from all provisional envelopes, place all provisional
4 envelopes with the official return of vote, and send all information to the
5 secretary of state in a manner prescribed by the secretary.
6 (d) Upon receipt of the official return of the vote that contains provisional
7 envelopes from any town clerk, the secretary shall open all envelopes that were
8 approved by the municipal clerk, deposit the ballot in a ballot box, and count
9 all approved ballots, adding the totals to the statewide count for federal offices.
10 * * * Conduct of Elections * * *
11 * * * Process of Voting * * *
12 Sec. 31. 17 V.S.A. § 2561(a) is amended to read:
13 (a) At all elections using the Australian ballot system, the polls shall open
14 no earlier than ~~six~~ 6:00 a.m. and no later than ~~ten~~ 10:00 a.m. as set by the
15 board of civil authority in each town unless the board of civil authority has
16 elected to open the polls earlier than 6:00 a.m. as provided in section 2494 of
17 this title. The polls in all polling places shall close at ~~seven~~ 7:00 p.m.
See P. 34a
18 ~~Sec. 32. 17 V.S.A. § 2563 is amended to read:~~
19 § 2563. ADMITTING VOTER
20 Before a person may be admitted within the guardrail, he or she shall
21 announce his or her name and if requested, his or her place of residence in a

Sec. 32. 17 V.S.A. § 2563 is amended to read:

§ 2563. ADMITTING VOTER

Before a person may be admitted ~~within the guardrail~~ to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance ~~through the guardrail~~ of the polling place shall then verify that the person's name appears on ~~one of the certified copies of~~ the checklist for the polling place. If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

(1) ~~repeat the name of the person;~~ If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter. If the person is unable to produce the required information, the person shall be afforded the opportunity to cast a provisional ballot, as provided in subchapter 6A of this chapter. The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) ~~place a check mark next to his name; and~~ If the voter is not a first-time voter in the municipality, no identification shall be required, the clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

~~(3) admit him within the guardrail for the purpose of voting.~~

1 ~~clear and audible tone of voice,~~ or present his or her name in writing, or
2 otherwise identify himself or herself by appropriate documentation. The
3 election officials attending the entrance through the guardrail shall then verify
4 that the person's name appears on one of the certified copies of the checklist
5 for the polling place. If the name does appear, and if no one immediately
6 challenges the person's right to vote on grounds of identity or having
7 previously voted in the same election, the election officials shall repeat the
8 name of the person and:
9 (1) ~~repeat the name of the person~~ if the checklist indicates that the
10 person is a first-time voter who registered by mail who has not provided
11 required identification before the opening of the polls, require the person to
12 present any one of the following: a valid photo identification; a copy of a
13 current utility bill; a copy of a current bank statement; or a copy of a
14 government check, paycheck, or any other government document that shows
15 the current name and address of the voter. If the person is unable to produce
16 the required information, the person shall be afforded the opportunity to cast a
17 provisional ballot, as provided in subchapter 6A of this chapter. The elections
18 official shall note upon the checklist a first-time voter who has registered by
19 mail and who produces the required information and place a mark next to the
20 voter's name, and admit the voter within the guardrail for the purpose of
21 voting;

1 ~~(2) place a check mark next to his name; and~~ If the voter is not a
2 first-time voter, no identification shall be required, the clerk shall place a check
3 next to the voter's name and admit the voter within the guardrail for the
4 purpose of voting.
5 ~~(3) admit him within the guardrail for the purpose of voting.~~
6 Sec. 33. 17 V.S.A. § 2567 is amended to read:
7 § 2567. REGISTERING VOTES ON VOTING MACHINES
8 (a) If a voter is to register his vote upon a voting machine, he or she shall
9 proceed, immediately upon being admitted within the guardrail, to a voting
10 machine not occupied by another voter. ~~He~~ The voter shall then register his or
11 her vote according to the instructions provided to voters with the machine.
12 Upon leaving the voting machine, he or she shall proceed directly to the exit of
13 the guardrail. ~~A voter shall not be allowed to occupy a voting machine more~~
14 ~~than five minutes when other voters are waiting to vote.~~
15 (b) All towns, regardless of whether the town has voted to use a voting
16 machine pursuant to section 2492 of this title, shall possess at least one voting
17 system approved by the secretary of state equipped for individuals with
18 disabilities, including accessibility for the blind and visually impaired, to vote
19 independently and privately.

1 Sec. 34. 17 V.S.A. § 2569 is amended to read:

2 § 2569. ASSISTANCE TO VOTER

3 (a) A voter who declares to the presiding officer that he or she ~~cannot read~~
4 ~~or write or by reason of physical or mental disability is unable~~ needs assistance
5 to mark the ballot or register a vote on a machine~~, as the case may be,~~ shall~~,~~
6 ~~upon request, be directed by the presiding officer to a booth in which the voter~~
7 ~~may~~ be assisted in the marking or registering of the ballot by a person of the
8 voter's choice or two election officials ~~or a person of the voter's choice,~~
9 ~~provided that the person so chosen is not the employer or union representative~~
10 ~~of the voter desiring assistance~~ of different party affiliations.

11 * * *

12 Sec. 35. 17 V.S.A. § 2573 is amended to read:

13 § 2573. NO COUNTING BEFORE POLLS CLOSE

14 ~~The~~ In towns using paper ballots, the ballot boxes shall not be opened nor
15 the ballots counted before the closing of the polls. In towns using voting
16 machines, the machine counts shall not be viewed or printed before the closing
17 of the polls.

1 Sec. 36. 17 V.S.A. § 2582 is amended to read:

2 § 2582. PRESIDING OFFICER TO DIRECT COUNT; TRANSPORTING

3 BALLOTS OR CHECKLIST

4 The presiding officer shall direct the manner in which the votes are counted,

5 subject to the provisions of this ~~subchapter~~ title and as provided for in the rules

6 for counting ballots adopted by the secretary of state. Ballots shall be counted

7 at the polling places where they are cast, except where the secretary of state

8 ~~determines that it would not be practical because of the type of voting machine~~

9 ~~employed and except for ballots cast in union school district votes on bond~~

10 ~~issues which, under section 706w of Title 16, shall be commingled~~, upon

11 request of the presiding officer, has issued a determination that the ballots

12 should be counted elsewhere, or the checklist should be moved by two

13 elections officials of different parties for the purpose of making a photocopy.

14 * * * Conduct of Elections * * *

15 * * * Count and Return of Votes * * *

See P. 38a

16 ~~Sec. 37. 17 V.S.A. § 2583(b) is amended to read:~~

17 § 2583. OFFICIAL CHECKLIST TO BE TALLIED

18 * * *

19 (b) If in the case of voting machines an exit checklist is not used, as

20 provided by section 2496 of this title, ~~alternative material~~ the entrance

21 ~~checklist, read-out sheets, and other machine materials~~ which ~~is~~ are used to

Sec. 37. 17 V.S.A. § 2583 is amended to read:

* * *

(b) If in the case of voting machines an exit checklist is not used, as provided by section 2496 of this title, ~~alternative material~~ read-out sheets and other machine materials which ~~is~~ are used to provide equivalent security shall be sealed and stored with the ballots and tally sheets. The entrance checklist shall be stored in the same manner as provided in section 2590 of this title, except the entrance checklist shall be stored in a container separate from the ballots and tally sheets and shall be secured for a period of 15 days.

1 provide equivalent security shall be sealed and stored with the ballots and tally
2 sheets. Before sealing the entrance checklist, the town clerk shall make a
3 photocopy of the entrance checklist and retain the photocopy of that checklist
4 in the town clerk's office as a public record.
5 Sec. 38. 17 V.S.A. § 2587 is amended to read:
6 § 2587. RULES FOR COUNTING BALLOTS
7 (a) In counting ballots, election officials shall attempt to ascertain the intent
8 of the voter, as expressed by his markings on the ballot which is consistent
9 with guidance adopted by the secretary of state. The secretary shall adopt, by
10 rule, guidance on determining whether a ballot is spoiled. If it is impossible to
11 determine the intent of the voter for any office or public question, the ballot
12 shall be counted as blank or spoiled, as the case may be, for that office or
13 question; but that determination shall not control any other office or question
14 on the ballot for which the voter's intent can be determined. If they have any
15 doubt about the intent of the voter or any other question about a ballot, the
16 election officials counting the ballot shall bring it to the presiding officer, who
17 shall present the question of how to treat the ballot to the assembled election
18 officials. The decision of how to treat the ballot shall be made by majority
19 vote of the election officials who are present.
20 * * *

1 (e) In the case of "write-in" votes, the act of writing in the name of a
2 candidate, or pasting a label containing a candidate's name upon the ballot,
3 without other indications of the voter's intent, shall constitute a vote for that
4 candidate, even though no cross is placed after such name. The election
5 officials counting ballots and tallying results must list every person who
6 receives a "write-in" vote and the number of votes received. On each tally
7 sheet, the counters shall add together the names of candidates that are clearly
8 the same person, even though a nickname or last name is used. Names of
9 fictitious persons shall not be listed.

10 * * *

11 * * * Conduct of Elections * * *

12 * * * Recounts * * *

13 Sec. 39. 17 V.S.A. § 2588 is amended to read:

14 § 2588. FILING RETURNS

15 As the count of votes for each office or public question is completed, the
16 presiding officer and at least one other election official shall collect the tally
17 sheets, enter the totals shown on the tally sheets upon the summary sheets, add
18 and enter the sum of such figures, and sign the summary sheets. As each
19 summary sheet is completed, the presiding officer shall publicly announce the
20 results. The presiding officer and one other election official then shall proceed
21 either to complete the return at once, or to store the summary sheets in a safe

and secure place until their retrieval for completion of the return. In any event, no later than 24 hours after the polls close, the presiding officer and at least one other election official shall transfer the totals from the summary sheets to the proper spaces on the return, and both shall sign the return. The town clerk shall store the summary sheets safely so that the public cannot reasonably have access to them for a period of 90 days without the town clerk's consent. The original of the return shall be delivered to the town clerk. ~~Within~~ In a manner prescribed by the secretary of state and within 48 hours of the close of the polls, the town clerk shall deliver ~~in person or mail~~ to the secretary of state, the senatorial district clerk, the county clerk, and the representative district clerk, one certified copy each of the return. The town clerk shall also make a copy available to the public upon request.

Sec. 40. 17 V.S.A. § 2592(k) is amended to read:

§ 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN GENERAL OR SPECIAL ELECTIONS

* * *

(k) In the case of the offices of governor, lieutenant governor, treasurer, secretary of state, attorney general, and auditor of accounts, the canvassing committee shall prepare a certificate of election but shall not sign it. The prepared certificate shall be presented to the official canvassing committee

appointed by the general assembly, pursuant to chapter II, section 47 of the Vermont constitution, for their use if they desire.

Sec. 41. 17 V.S.A. § 2602l is amended to read:

§ 2602l. RECOUNTS USING VOTING MACHINES

~~When voting has been by machine of the tabulator type, the recount shall proceed according to the provisions of this section. When voting has been by machine of the punch or the lever type, the recount shall proceed as directed by the court, instead of according to the recount procedures established by this section.~~ In all recounts conducted under this chapter, ballots shall be counted by hand as described in sections 2602a through 2602k of this title.

* * * Local Elections * * *

* * * Local Elections Using the Australian Ballot System * * *

Sec. 42. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

* * *

(c) Budgets. A vote whether to use the Australian ballot system to establish the budget shall be in substantially the following form:

"Shall (name of municipality) adopt its budget by Australian ballot?"

If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget. The legislative body shall establish a date for the vote on the revised budget, and shall take appropriate steps to warn a public

1 informational meeting on the budget and the vote. The date of the public
2 informational meeting shall be at least five days following the public notice.
3 The date of the vote shall be at least seven days following the public notice.
4 The vote on the revised budget shall be by Australian ballot and shall take
5 place in the same locations that the first vote was taken. The budget shall be
6 established if a majority of all votes cast are in favor. If the revised budget is
7 rejected, the legislative body shall repeat the procedure in this subsection until
8 a budget is adopted. Once a municipality votes to establish its budget by the
9 Australian ballot system, the vote on the budget shall be taken by Australian
10 ballot until the municipality votes to discontinue use of the system.
11 * * *
12 (g) Whenever a municipality has voted to adopt the Australian ballot
13 system of voting on any public question, ~~including~~ except the budget revote as
14 provided in subsection (c) of this section, the legislative body shall hold a
15 public informational hearing on the question by posting warnings at least 10
16 days in advance of the hearing in at least two public places within the
17 municipality and in the town clerk's office. The hearing shall be held within
18 the 10 days preceding the meeting at which the Australian ballot system is to
19 be used. The hearing under this subsection may be held in conjunction with
20 the meeting held under subsection 2640(c), in which case the moderator shall
21 preside.

1 * * * Presidential Elections * * *

2 * * * Presidential Primary * * *

3 Sec. 43. 17 V.S.A. § 2704 is amended to read:

4 § 2704. BALLOTS

5 A person voting at the primary shall be required to ask for the ballot of the
6 party in which the voter wishes to vote and an election official shall record the
7 voter's choice of ballot by marking the entrance checklist with a letter code, as
8 designated by the secretary of state, to indicate the voter's party choice. The
9 names of all candidates on the ballot shall be listed in alphabetical order. Each
10 voter may vote for one candidate for the presidential nomination of one party,
11 either by placing a mark opposite the printed name of a candidate as in other
12 primaries, or by writing in the name of the candidate of the voter's choice.

See P. 44a for Sec. 43a

13 Sec. 44. EFFECTIVE DATES

14 (a) Secs. 3 and 7 of this act shall take effect January 1, 2004, unless the
15 secretary of state receives a waiver, pursuant to Title III of United States
16 Public Law 107-252, and files notice of that waiver with the legislative
17 committee on administrative rules. Once a waiver is granted and notice filed,
18 Secs. 3 and 7 of this act shall take effect on January 1, 2006.

19 (b) Sec. 33 shall take effect January 1, 2006.

Sec. 43a. 30 V.S.A. § 7059(e) is added to read:

(e) Notwithstanding any provision of law to the contrary, no person acting on behalf of the state of Vermont or any political subdivision of the state shall require an individual to disclose his or her enhanced 911 address, provided that the individual furnishes an alternative mailing address.

1 Sec. 45. REPORT ON IMPLEMENTATION OF ELECTIONS REFORM

2 The secretary of state shall submit a report to the House and Senate

3 Committees on Appropriations, the House Committee on Local Government,

4 and the Senate Committee on Government Operations before January 15,

5 2004, summarizing the expenditures to implement United States Public Law

6 107-252 and this act and summarizing the results of any report by the secretary

7 inventorying technology currently in use by municipal clerks.

HOUSE OF REPRESENTATIVES

5/21, 03

UPON MOTION OF

REP. Symington OF Jeff

THE RULES WERE SUSPENDED AND THE BILL WAS ORDERED MESSAGED TO THE SENATE FORTHWITH.

ASST. CLERK

H. 460
p. 2

House Stamp
suspend rules &
msg to ~~House~~
Senate

SENATE CHAMBER
May 22 20 03

~~Appearing~~ (pending entry) on the Calendar for Notice, on motion of Senator Mazza, the rules were suspended and the bill was taken up for immediate consideration.

David A. Gibson
~~Assistant~~ Secretary

SENATE CHAMBER
May 22, 20 03
Taken up; pending question Shall Senate accept and adopt Conference Committee report in affirmative

David A. Gibson
~~Assistant~~ Secretary

SENATE CHAMBER
May 22, 20 03
On motion of Sen. Mazza rules were suspended and bill was ordered messaged to House forthwith

David A. Gibson
~~Assistant~~ Secretary

SENATE CHAMBER
5/21, 20 03
Pursuant to request of House, President announced appointment as Conference Committee members on part of Senate:
Senator Condon
Senator Doyle
Senator White

Assistant Secretary

HOUSE OF REPRESENTATIVES
5/23, 20 03
ENTERED ON THE CALENDAR FOR NOTICE.

ASST. CLERK

HOUSE OF REPRESENTATIVES
, 20
SEN. PROP OF AMENDMENT CONSIDERED & PDG QUESTION WILL THE HOUSE CONCUR WITH SEN. PROP. OF AMENDMENT
REP OF
MOVED THE H. REFUSE CONCUR & ASK FOR C. OF CONF., WHICH

HOUSE OF REPRESENTATIVES
5/30, 20 03
REPORT OF C. OF CONF. CONSIDERED & ~~ADOPTED ON PART OF HOUSE~~.
Pending the? Shall
~~ASST. CLERK~~
the Hse adopt the report of Comm Conf, Rep Lippert moved that the Hse not adopt the report of Comm Conf & adopt a second Comm Conf w/ instruction

PENDING THE QUESTION
Lippert Motion
REP Donahue OF Nfld
DEMANDED THE YEAS AND NAYS, WHICH DEMAND WAS SUSTAINED BY THE CONST. NUMBER
THEREUPON THE CLERK PROCEEDED TO CALL THE ROLL AND THE Q. WAS DECIDED IN THE Negative YES 61 NO 65

There upon the Report of the Committee of Conference was agreed to.
Mike McGill

5/30/03
UPON MOTION OF REP. Symington OF Jerdr
THE RULES WERE SUSP. & THE ACTION OF HOUSE ON THE ~~BILL~~ WAS ORDERED MESSAGED TO SEN. FORTHWITH & THE BILL DELVD. TO GOV. FORTHWITH.

ASST. CLERK

PENDING THE QUESTION
Lippert Amend
REP Hube OF Londonderry
DEMANDED THE YEAS AND NAYS, WHICH DEMAND WAS SUSTAINED BY THE CONST. NUMBER THEREUPON THE CLERK PROCEEDED TO CALL THE ROLL AND THE Q. WAS DECIDED IN THE Affirmative YES 78 NO 66.

Thereupon,
3rd rdg ordered

4/24/03
PENDING THE QUESTION
3rd Reading

REP Sharpe OF Bristol
MOVED THAT ACTION BE POSTPONED UNTIL Next Legislative Day WHICH WAS ___ AGREED TO ~~ON A DIVISION~~
YES ___ NO ___

Nathan McGill

HOUSE OF REPRESENTATIVES
4/25, 2003
TAKEN UP AND PENDING 3RD READING OF THE BILL,
REP Sharpe OF Bristol
MOVED THAT THE BILL BE AMENDED WHICH WAS AGREED TO ~~ON DIV. YES ___ NO ___~~
~~THEREUPON THE BILL WAS READ THE 3RD T. & PASSED.~~

ASST. CLERK

HOUSE OF REPRESENTATIVES
4/25, 2003
TAKEN UP AND PENDING 3RD READING OF THE BILL,
REP Hingtgen OF Bud
MOVED THAT THE BILL BE AMENDED WHICH WAS AGREED TO ~~ON DIV. YES ___ NO ___~~
THEREUPON THE BILL WAS READ THE 3RD T. & PASSED.

ASST. CLERK

HOUSE OF REPRESENTATIVES
4/25, 03
UPON MOTION OF
REP. Partridge OF Windham
THE RULES WERE SUSPENDED AND THE BILL WAS ORDERED MESSAGED TO THE SENATE FORTHWITH.

ASST. CLERK

SENATE CHAMBER
4/29, 2003
Read and referred to Committee on Cont. Res.

Assistant Secretary

SENATE CHAMBER
5/16, 2003
Entered on the Calendar for Notice.

Assistant Secretary

SENATE CHAMBER
5/16, 2003
Reported [illegible] ~~amendations/~~ propo[illegible] second time, ~~rea~~ [illegible] of amendment [illegible] reading ordered.

Assistant Secretary

SENATE CHAMBER
5/20, 2003
Pending third reading Sen. Blaser moved that Senate propose to House that bill be amended, which was ✓ agreed to. Thereupon, bill was read third time and passed in concurrence with proposal(s) of amendment.

Assistant Secretary

SENATE CHAMBER
5/20, 2003
On motion of Sen. Welch rules were suspended and bill was ordered messaged to House forthwith.

Assistant Secretary

HOUSE OF REPRESENTATIVES
5/21, 2003
ENTERED ON THE CALENDAR FOR NOTICE.

Nathan McGill
ASST. CLERK

HOUSE OF REPRESENTATIVES
5/21, 2003
THE BILL APPEARING ON THE CALENDAR FOR NOTICE, WAS TAKEN UP FOR IMMEDIATE CONSIDERATION UNDER SUSP. OF THE RULES, AS MOVED BY
REP Symington OF Jericho

ASST. CLERK

HOUSE OF REPRESENTATIVES
5/21, 2003
SEN. PROP OF AMENDMENT CONSIDERED & PDG QUESTION WILL THE HOUSE CONCUR WITH SEN. PROP. OF AMENDMENT?
REP Sharpe OF Bristol
MOVED THE H. REFUSE CONCUR & ASK FOR C. OF CONF., WHICH WAS ___ AGREED TO. THEREUPON, SPEAKER APPTD. AS MEMBERS OF COMM. OF CONF. ON PART OF H.
REP Sharpe OF Bristol
REP Clark OF St. Joe
REP Crowley OF W. Rut

ASST. CLERK

Government Operations ORIGINAL

H.460

AN ACT RELATING TO IMPLEMENTING THE FEDERAL HELP AMERICA VOTE ACT.

HOUSE OF REPRESENTATIVES

March 25, 2003

Introduced by Committee on Local Government.

Read the first time and, under the rule, placed on the Calendar for notice tomorrow.

Clerk

Donald Milne

PROOFREAD

_____House Passage
_____Final Passage

HOUSE OF REPRESENTATIVES
3/26, 20 03
ENTERED ON THE CALENDAR FOR NOTICE.
ASST. CLERK

HOUSE OF REPRESENTATIVES
3/27, 20 03
~~[illegible]~~, RD 2ND T. & PENDING THE QUESTION, SHALL THE BILL BE READ THE 3RD TIME?
REP Sharpe OF Bristol
MOVED THAT THE BILL BE AMENDED, WHICH WAS AGREED TO AND ~~3RD READING OF THE BILL ORDERED~~.
~~ASST. CLERK~~

PENDING THE QUESTION, Shall Bill be read 3rd time
REP Hingtgen OF Burl
MOVED TO AMEND THE Bill ~~WHICH WAS AGREED TO ON A DIV.~~
~~YES NO~~

PENDING THE QUESTION, Shall Bill be amended as rec. by Rep Hingtgen
REP Hummel OF Underhill
MOVED THAT THE BILL BE ORDERED TO LIE, WHICH WAS AGREED TO ~~ON A DIVISION~~.
~~YES NO~~

HOUSE OF REPRESENTATIVES
4/22, 20 03
THE BILL (RESOL.) WAS CALLED UP BY
REP Sharpe OF Bristol
& UNDER THE RULE, WILL BE PLACED ON THE CALENDAR FOR ACTION ON THE NEXT LEG. DAY.
ASST. CLERK

4/23/03
Taken up and Rep Hingtgen asked and was granted leave to w/D his amend.

PENDING THE QUESTION, Shall Bill be read 3rd time
REP Sharpe OF Bristol
MOVED TO AMEND THE Bill ~~WHICH WAS AGREED TO ON A DIV.~~
~~YES NO~~

Pending the? Rep Hingtgen moved to amend the rec of amend of Rep Sharpe. which was agreed to on div. 4 & 59, N 39.

Pending the? Rep Webster moved to further amend the amend of Rep Sharpe which was agreed to. then the rec of amend of Rep Sharpe as amended was agreed to.

PENDING THE QUESTION, Shall Bill be read 3rd time
REP Lippert OF Hinesburg
MOVED TO AMEND THE Bill ~~WHICH WAS AGREED TO ON A DIV.~~
~~YES NO~~

VT LEG 163275.1