

1 H.55

2 Introduced by Representatives Donahue of Northfield, Grad of Moretown and
3 Koch of Barre Town

4 Referred to Committee on

5 Date:

6 Subject: Elections; absentee ballots; mailing

7 Statement of purpose: This bill proposes to require town clerks to provide an
8 additional blank envelope for use by voters when mailing absentee ballots to
9 town clerks.

10 An act relating to absentee ballot confidentiality

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

12 Sec. 1. 17 V.S.A. § 2539(c) is added to read:

13 (c) The town clerk shall provide a blank envelope with each set of early
14 voter absentee ballots for use by the voter and town clerk pursuant to section
15 2543 of this title.

16 Sec. 2. 17 V.S.A. § 2540(a) is amended to read:

17 (a) The town clerk shall send with all early voter absentee ballots and
18 envelopes printed instructions, which may be included on the envelope, in
19 substantially the following form:

20 INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

- 1 1. Mark the ballots.
- 2 2. Seal ~~them in this envelope~~ the ballots in the blank envelope.
- 3 3. Seal the blank envelope in the mailing envelope.
- 4 4. Fill out and sign the certificate on the mailing envelope.
- 5 4.5. Mail or deliver the sealed ~~envelope~~ envelopes containing the ballots to
- 6 the town clerk of the town where you are a registered voter in time to arrive no
- 7 later than election day.

8 Note: If these ballots have been brought to you personally by two justices of

9 the peace because of your illness or physical disability, just return them to the

10 justices after you have sealed and signed the mailing envelope. YOU HAVE

11 THE RIGHT TO MARK YOUR BALLOTS IN PRIVATE - but if you ask for

12 help in filling out the ballots, they will give it to you.

13 BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS

14 ENVELOPE OR YOUR VOTE WILL NOT COUNT!

15 Sec. 3. 17 V.S.A. § 2542 is amended to read:

16 § 2542. SIGNING CERTIFICATE

17 (a) There shall be printed on the face of the mailing envelope provided for

18 use in returning early voter absentee ballots a certificate in substantially the

19 following form:

20 "Early or Absentee Voter Ballots of

21 _____ "

1 (print your name)

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

5 _____

6 (your signature)

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

13 Sec. 4. 17 V.S.A. § 2543 is amended to read:

14 § 2543. RETURN OF BALLOTS

15 After marking the ballots and signing the certificate on the mailing
16 envelope, the early or absentee voter to whom the same are addressed shall
17 return the ballots to the clerk of the town in which he or she is a voter, in the
18 manner prescribed, except that in the case of a voter to whom ballots are
19 delivered by justices, the ballots shall be returned to the justices calling upon
20 him or her, and they shall deliver them to the town clerk. A ballot returned
21 under this section shall be sealed in the blank envelope provided by the town

1 clerk. Once an early voter absentee ballot has been returned to the clerk in the
2 sealed envelope with the signed certificate, ~~the clerk shall separate the blank~~
3 envelope from the mailing envelope and mark the voter's name on the
4 checklist. The blank envelope shall be stored in a secure place and shall not be
5 returned to the voter for any reason. All early voter absentee ballots returned
6 to the clerk before the polls close on election day shall be counted.

7 Sec. 5. 17 V.S.A. § 2545 is amended to read:

8 § 2545. RECEIPT OF MARKED BALLOTS BY TOWN CLERK;

9 DELIVERY TO ELECTION OFFICERS

10 (a) Upon receipt of the envelope containing the marked ballots of an early
11 or absentee voter, the town clerk shall:

12 (1) record the fact on the list of early or absentee voters;

13 (2) mark the voter's name on the checklist;

14 (3) separate the blank envelope containing the ballots from the mailing
15 envelope; and

16 (4) safely keep the mailing envelope and blank envelope containing the
17 ballots in separate locations until election day.

18 (b) During the hours that the polls are open, ~~he~~ the town clerk shall deliver
19 the blank envelope containing the ballots to the presiding officer in the polling
20 place where the early or absentee voter would have voted if he or she had

1 voted in person and provide to the presiding officer the list of early voters
2 marked on the checklist.

3 Sec. 6. 17 V.S.A. § 2547 is amended to read:

4 § 2547. DEFECTIVE BALLOTS

5 If upon examination by the election officials it shall appear that the early or
6 absentee voter is not legally qualified to vote, or has voted in person, or that
7 the affidavit on any envelope is insufficient, the certificate is not signed, or the
8 voted ballot is not in the ~~voted ballot~~ blank envelope, or the blank envelope
9 containing the voted ballot is not in the mailing envelope, or, in the case of a
10 primary vote, the early or absentee voter has failed to return the unvoted
11 portions of the primary ballots, such envelope shall be marked "defective," and
12 the ballots inside shall not be counted and shall be returned in the unopened
13 envelope to the town clerk in the manner prescribed by section 2590 of this
14 title. The provisions of this section shall be indicated prominently in the early
15 or absentee voter material prepared by the secretary of state.