

1 H.742

2 Introduced by Representatives Trieber of Rockingham and Partridge of

3 Windham

4 Referred to Committee on

5 Date:

6 Subject: Elections; conduct of elections; early or absentee voters; authorized

7 person on behalf of an early or absentee voter; prohibition

8 Statement of purpose: This bill proposes to prohibit a person authorized on

9 behalf of an early or absentee voter to apply for an early voter absentee ballot

10 for that voter.

11 An act relating to persons permitted to apply for an early voter absentee
12 ballot

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

14 Sec. 1. 17 V.S.A. § 2531 is amended to read:

15 § 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT;

16 AUTHORIZED PERSONS

17 (a) A voter who expects to be an early or absentee voter, or an authorized

18 person on behalf of such voter, may apply for an early voter absentee ballot

19 until 5:00 p.m. or the closing of the town clerk's office on the day preceding

20 the election.

1 (b) All applications shall be filed with the town clerk of the town in which
2 the early or absentee voter is registered to vote. The town clerk shall file
3 written applications and memoranda of verbal applications in his or her office,
4 and shall retain the applications and memoranda for 90 days following the
5 election, at which time they may be destroyed.

6 (c) Voting by early voter absentee ballot shall be allowed only in elections
7 using the Australian ballot system.

8 (d) For purposes of this subchapter, "authorized person on behalf of a
9 voter" means a person who is authorized by and acting on behalf of an early or
10 absentee voter to apply for an early voter absentee ballot for that voter and who
11 is either:

12 (1) the voter's spouse, child, brother, sister, parent, spouse's parent,
13 grandparent, or spouse's grandparent; or

14 (2) the voter's health care provider.

15 Sec. 2. 17 V.S.A. § 2532 is amended to read:

16 § 2532. APPLICATIONS; FORM

17 (a)(1) An early or absentee voter, or an authorized ~~family member or health~~
18 ~~care provider acting in the voter's behalf~~ person on behalf of a voter, may
19 apply for an early voter absentee ballot by telephone, in person, or in writing.

20 ~~"Family member" here means a person's spouse, children, brothers, sisters,~~
21 ~~parents, spouse's parents, grandparents, and spouse's grandparents. Any other~~

1 ~~authorized person may apply in writing or in person.~~ The application shall be
2 in substantially the following form:

3 REQUEST FOR EARLY VOTER ABSENTEE BALLOT

4 Name of early or absentee voter: _____

5 Current address: _____

6 Residence (if different): _____

7 If applicant is ~~other than early or absentee~~ an authorized voter on behalf of a
8 voter:

9 Name of ~~applicant~~ authorized person: _____

10 Address of ~~applicant~~ authorized person: _____

11 Relationship to early or absentee voter: _____

12 Date: _____ Signature: _____

13 (2) If the application is made by telephone or in writing, the information
14 supplied must be in substantial conformance with the information requested on
15 this form.

16 (b) A person temporarily residing in a foreign country who is eligible to
17 register to vote in this state, or a military service absentee voter who is eligible
18 to register to vote in this state, may apply for early voter absentee ballots in the
19 same manner and within the same time limits that apply for other early or
20 absentee voters. An official federal postcard application shall suffice as a
21 simultaneous request for an application for addition to the checklist and for an

1 early voter absentee ballot, when properly submitted. Any other person also
2 may make a simultaneous request for an application for addition to the
3 checklist and for an early voter absentee ballot.

4 (c) If the request is received by the town clerk prior to the voter registration
5 deadline set forth in subsection 2144(a) of this title, the town clerk shall mail a
6 blank application for addition to the checklist, together with a full set of early
7 voter absentee ballots, to the person who has applied for early voter absentee
8 ballots. All such applications for addition to the checklist which are returned
9 to the town clerk before the close of the polls on election day shall be
10 considered and acted upon by the board of civil authority before the ballots are
11 counted. If the application is approved and the name added to the checklist,
12 the early voter absentee ballots cast by that voter shall be treated as other valid
13 early voter absentee ballots.

14 (d) An application for an early voter absentee ballot shall be valid for only
15 one election, unless specific request is made by an early or absentee voter that
16 the application be valid for both a primary election, excluding a presidential
17 primary, and the general election next following, as long as both ballots are to
18 be mailed to the same address.

19 (e) A person residing in a state institution may apply for early voter
20 absentee ballots in the same manner and within the same time limits that apply
21 for other early or absentee voters.

1 (f) The town clerk may, upon application, issue a duplicate early voter
2 absentee ballot if the original ballot is not received by the voter within a
3 reasonable period of time after mailing. The application may be made by a
4 person entitled to apply for an early voter absentee ballot under subsection (a)
5 of this section and shall be accompanied by a sworn statement affirming that
6 the voter has not received the original ballot. If a duplicate early voter
7 absentee ballot is issued and both the duplicate and original early voter
8 absentee ballots are received before the close of the polls on election day, the
9 ballot with the earlier postmark shall be counted.

10 Sec. 3. 17 V.S.A. § 2539 is amended to read:

11 § 2539. MAILING OF EARLY VOTER ABSENTEE BALLOTS;

12 PERMANENTLY DISABLED VOTERS

13 (a) Unless the early or absentee voter votes in the town clerk's office, or
14 unless the justices are to deliver the early voter absentee ballots to the early or
15 absentee voter, the town clerk shall provide to the early or absentee voter who
16 comes to the town clerk's office a complete set of early voter absentee ballots
17 or mail a complete set of early voter absentee ballots to each early or absentee
18 voter for whom a valid application has been filed. The early voter absentee
19 ballots shall be mailed forthwith upon the filing of a valid application, or upon
20 the town clerk's receipt of the necessary ballots, whichever is later. Early
21 voter absentee ballots to persons having addresses outside the 50 states and the

1 District of Columbia shall be sent air mail, first class, postpaid when such
2 service is available.

3 (b) In the case of persons who are early or absentee voters due to illness or
4 physical disability, if the voter or an authorized person on behalf of the voter
5 requests in his or her application or otherwise that early voter absentee ballots
6 be mailed rather than delivered by justices of the peace, the town clerk shall
7 mail the ballots; otherwise the ballots shall be delivered to such voters by
8 justices of the peace. In the case of all other early or absentee voters, the town
9 clerk shall mail the early voter absentee ballots, unless the voter chooses to
10 apply and vote in person at the town clerk's office.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.