

# Journal of the Senate

WEDNESDAY, APRIL 6, 2016

The Senate was called to order by the President.

## Devotional Exercises

Devotional exercises were conducted by the Reverend Taehaku of East Calais.

## Message from the House No. 46

A message was received from the House of Representatives by Mr. Jeremy Weiss, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

**H. 863.** An act relating to making miscellaneous amendments to Vermont's retirement laws.

**H. 878.** An act relating to capital construction and State bonding budget adjustment.

In the passage of which the concurrence of the Senate is requested.

## Bills Referred

House bills of the following titles were severally read the first time and referred:

### **H. 863.**

An act relating to making miscellaneous amendments to Vermont's retirement laws.

To the Committee on Rules pursuant to Temporary Rule 44A.

### **H. 878.**

An act relating to capital construction and State bonding budget adjustment.

To the Committee on Institutions.

**House Bill Recommitted****H. 622.**

House bill entitled:

An act relating to obligations for reporting child abuse and neglect and cooperating in investigations of child abuse and neglect.

Was taken up.

Thereupon, pending third reading of the bill, on motion of Senator Pollina, the bill was recommitted to the Committee on Health & Welfare.

**Proposal of Amendment; Third Reading Ordered****H. 458.**

Senator Benning, for the Committee on Government Operations, to which was referred House bill entitled:

An act relating to automatic voter registration through motor vehicle driver's license applications.

Reported recommending that the Senate propose to the House to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

(a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant ~~declines to sign the voter registration portion of the application~~ checks the box on the application designating that he or she declines to use the application as a voter registration application.

(b)(1) ~~The voter registration portion of the~~ A motor vehicle driver's license or nondriver identification card application shall provide and request the following information ~~required to be provided under section 2145 of this chapter~~ and shall be in the form approved by the Secretary of State:

(A) The applicant's citizenship.

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

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

(D) 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.

(E) The voter's oath.

(F) The applicant's e-mail address, which shall be optional to provide.

(2) A motor vehicle driver's license or nondriver identification card application shall provide the following statements:

(A) "By signing and submitting this application, you are authorizing the Department of Motor Vehicles to transmit this application to the Secretary of State for voter registration purposes. YOU MAY DECLINE TO REGISTER. Both the office through which you submit this application and your decision of whether or not to register will remain confidential and will be used for voter registration purposes only."

(B) "In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter's oath; and (4) be 18 years of age or older. Any person meeting the requirements of (1)–(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. Failure to decline to register is an attestation that you meet the requirements to vote."

(3) A motor vehicle driver's license or nondriver identification card application shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

\* \* \*

(d)(1) The Department of Motor Vehicles shall transmit ~~voter registration~~ motor vehicle driver's license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.

(2) The Department of Motor Vehicles shall not transmit motor vehicle driver's license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.

(3) The Department of Motor Vehicles shall ensure confidentiality of records as required by subdivision (b)(2)(A) of this section.

\* \* \*

(f) In transmitting applications received under this section, the Secretary shall ensure compliance with the requirements of 15 V.S.A. chapter 21, subchapter 3.

(g) The Secretary shall take appropriate measures to educate the public about voter registration under this section.

Sec. 2. 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:

\* \* \*

~~(2) 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.~~

\* \* \*

(4) The following statements:

(A) "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."

(B) "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 for registration." [Repealed.]~~

\* \* \*

(f) A person who makes a false statement in completing a voter registration application form or the voter registration portion of an application for a motor vehicle driver's license or nondriver identification card knowing the statement to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901, except that a person who is not eligible to register to vote and who otherwise completes the application accurately shall not be considered to have made a false statement under this subsection by his or her unintentional failure

to decline to register on a motor vehicle driver's license or nondriver identification card application under section 2145a of this chapter.

\* \* \*

Sec. 3. 17 V.S.A. § 2124 is amended to read:

§ 2124. VOTER'S OATH OR AFFIRMATION; HOW ADMINISTERED; APPLICATION

\* \* \*

~~(b) A person who administers the voter's oath or affirmation to another shall forthwith sign the appropriate place on the application or sign some other written notification giving the person's name and the date the oath or affirmation was administered. [Repealed.]~~

(c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was received. ~~If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application.~~ The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

Sec. 4. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter.

\* \* \*

Sec. 5. 23 V.S.A. § 603(a)(4) is added to read:

(4) Any new or renewal application form shall provide for and request the information required in 17 V.S.A. § 2145a.

Sec. 6. 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, and the last four digits of the applicant's

Social Security number contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.

\* \* \*

Sec. 7. SECRETARY OF STATE; STUDY

The Secretary of State shall consult with the Office of the Attorney General to examine ways in which to register persons 16 years of age who will be 18 years of age on or before the next general election. The Secretary of State shall issue a report to the Senate and House Committees on Government Operations on or before January 15, 2017.

Sec. 8. EFFECTIVE DATES

(a) This section and Sec. 7 (secretary of state study) shall take effect on passage.

(b) The remainder of the act shall take effect on July 1, 2017.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and pending the question, Shall the Senate propose to the House to amend the bill as recommended by the Committee on Government Operations?, Senators Benning, Collamore, Pollina, and White moved to amend the recommendation of amendment of the Committee on Government Operations as follows:

In Sec. 1, 17 V.S.A. § 2145a (Department of Motor Vehicles registration), by striking out subsection (g) in its entirety and inserting in lieu thereof two new subsections to be subsections (g) and (h) to read as follows:

(g) If a person who is ineligible to vote becomes registered to vote pursuant to this section in the absence of a violation of subsection 2145(f) of this chapter, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

(h) The Secretary shall take appropriate measures to educate the public about voter registration under this section.

Which was agreed to.

Thereupon, the proposal of amendment of the Committee on Government Operations, as amended was agreed to.

Thereupon, third reading of the bill was ordered.

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**Third Reading Ordered****H. 747.**

Senator Sirotkin, for the Committee on Finance, to which was referred House bill entitled:

An act relating to the State Treasurer's authority to intercept State funding to a municipality or school district in default from a Municipal Bond Bank borrowing.

Reported that the bill ought to pass in concurrence.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and third reading of the bill was ordered.

**Proposal of Amendment; Third Reading Ordered****H. 517.**

Senator Campion, for the Committee on Natural Resources and Energy, to which was referred House bill entitled:

An act relating to the classification of State waters.

Reported recommending that the Senate propose to the House to amend the bill in Sec. 1, 10 V.S.A. § 1252, in subsection (a), after the following: "Class B(1): Waters in which one or more uses are of" and before the following: "higher quality than Class B(2) waters" by inserting the following: demonstrably and consistently

Thereupon, the bill was read the second time by title only pursuant to Rule 43, the proposal of amendment was agreed to, and third reading of the bill was ordered.

**Adjournment**

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon on Thursday, April 7, 2016.