

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

S.29

Representative Dame of Essex moves that the House propose to the Senate that the bill be amended by striking out in their entirety Secs. 1, 17 V.S.A. § 2142 (revision of checklist), through 13, 17 V.S.A. § 2563 (admitting voter) and inserting in lieu thereof the following:

Sec. 1. 17 V.S.A. § 2144 is amended to read:

§ 2144. ~~DEADLINE FOR~~ SUBMITTING APPLICATIONS

(a)(1) The town clerk shall not accept applications for persons' names to be placed on the checklist after 5:00 p.m. on the Wednesday preceding the day of the election. The town clerk's office shall be kept open on the Wednesday preceding the day of the election from no later than 3:00 p.m. until 5:00 p.m., for the purpose of receiving applications for addition to the checklist.

(2) For purposes of this subsection, a mail application or an application submitted to the ~~department of motor vehicles~~ 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 by 5:00 p.m. of the Wednesday preceding the day of the election.

(b)(1) If a person is not eligible to register prior to the voter registration deadline, but expects to be eligible on or before election day, he or she may file

1 with the town clerk a written notice of intention to apply for addition of his or  
2 her name to the checklist. The notice shall be filed prior to the voter  
3 registration deadline, and the town clerk shall then accept the person's  
4 application at any time before the close of the polls on election day, and act  
5 upon the application forthwith.

6 ~~(e)~~(2) If a person is not eligible to register prior to the voter registration  
7 deadline, and has submitted a written notice of intent to apply in ~~accord~~  
8 accordance with subsection (b) subdivision (1) of this section subsection, the  
9 clerk shall, upon application, allow the applicant to vote absentee. If the  
10 application is approved and the name added to the checklist prior to the close  
11 of the polls on election day, the early or absentee ballots cast by that voter shall  
12 be treated as other valid early or absentee ballots.

13 (c) A person who does not submit an application to register in accordance  
14 with subsection (a) or (b) of this section may, on the day of an election:

15 (1) Vote provisionally by completing the provisional ballot and  
16 attestation described in subchapter 6A of chapter 51 of this title.

17 (A) The person shall vote provisionally at the polling place of the  
18 town in which the person seeks to register during the hours of voting  
19 established by the board of civil authority for that polling place.

20 (B) In towns with more than one polling place, the polling place shall  
21 be that which covers the area in which the person resides.

1           (2)(A) Submit an application for addition to the checklist to the  
2           presiding officer at the polling place of the town in which the person seeks to  
3           register during the hours of voting established by the board of civil authority  
4           for that polling place. In towns with more than one polling place, the polling  
5           place shall be that which covers the area in which the person resides.

6           (B) The person shall present, along with the application, one of the  
7           following pieces of identification that shows the person's current name and  
8           address: a valid photo identification; a copy of a current utility bill; a copy of a  
9           current bank statement; or a copy of a government check, paycheck, or other  
10           government document.

11           (C) The presiding officer or his or her designated election official  
12           shall review all applications submitted at the polling place and shall approve  
13           those applications that meet the requirements of section 2121 of this chapter.  
14           Upon approval, the applicant's name shall be added to the checklist at the  
15           polling place, and the applicant shall be provided with the opportunity to vote  
16           in the election. The town clerk shall add the information in the application to  
17           the statewide voter checklist within five business days of the day of the  
18           election.

19           (D) If the presiding officer or the designated election official cannot  
20           determine from an application submitted on election day that an applicant  
21           meets the requirements of section 2121 of this chapter, the presiding officer

1 shall immediately refer the application to any members of the board of civil  
2 authority, or its equivalent entity under any applicable charter, present at the  
3 polling place, who shall meet immediately and proceed under section 2146 of  
4 this chapter to determine whether the applicant meets the requirements of  
5 section 2121 of this chapter. For purposes of adding applicant's names to the  
6 checklist under this subdivision (D), a quorum of the board or its equivalent  
7 entity shall be as provided in section 2451 of this title. If the board rejects an  
8 applicant, it shall notify him or her at the polling place.

9 (d) In the case of annual meetings and towns that start their annual  
10 meetings on any day preceding the first Tuesday in March as authorized in  
11 subsection 2640(b) of this title, the “day of election” shall be the first Tuesday  
12 in March.

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

14 § 2144a. REGISTRATION

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

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

19 (2) By completing a voter registration application at a voter registration  
20 agency.

1           (3) By delivering, during regular hours, or mailing a completed  
2 application form to the office of the clerk of the town in which the applicant  
3 claims to be a resident.

4           (4) By completing a provisional ballot attestation and delivering it to the  
5 presiding officer before the close of the polls at the polling place of the town in  
6 which the person seeks to register. In towns with more than one polling place,  
7 the polling place shall be that which covers the area in which the person  
8 resides.

9           (5) By completing a voter registration application and delivering it to the  
10 presiding officer before the close of the polls at the polling place of the town in  
11 which the person seeks to register, if the person is able to present the  
12 identification described in subdivision 2144(c)(2)(B) of this chapter. In towns  
13 with more than one polling place, the polling place shall be that which covers  
14 the area in which the person resides.

15 Sec. 3. 17 V.S.A. chapter 51, subchapter 6A is amended to read:

16           Subchapter 6A. Provisional Voting and Voter Affirmation

17           § 2555. PROVISIONAL BALLOT ENVELOPES

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

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

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

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

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

15           ~~(2) An attestation by the provisional voter that he or she submitted a~~  
16 ~~properly completed voter application form before the application deadline.~~  
17 ~~The attestation shall be signed by the provisional voter under penalty of~~  
18 ~~perjury. [Repealed.]~~

19           (3) Space on the application for documentation of the town clerk's  
20 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 state or local election, you should return this form to the elections~~  
4     ~~officials and file an appeal in superior court in the county in which you live~~  
5     ~~pursuant to section 2148 of this title.~~ If you choose to vote by provisional  
6     ballot, after the close of the polls, the town clerk will determine whether you  
7     meet all eligibility requirements. If the clerk denies your application, he or she  
8     will inform you that the application has been 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 Monday before the election,~~ the election official shall  
13     allow the individual to vote provisionally.

14           (b) The provisional voter shall be given a ballot and an envelope with an  
15     attestation printed upon it, as described in section 2555 of this title, and shall  
16     complete the attestation on the envelope. Upon completion, the provisional  
17     voter shall seal the envelope and deposit it in a ballot box marked for the  
18     receipt of provisional ballots.

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

1 § 2557. TOWN CLERK APPROVAL OF PROVISIONAL VOTER

2 ATTESTATION

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

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

19 (c)(1) When the town clerk approves a provisional voter's attestation, the  
20 town clerk shall note his or her approval in the space provided on the envelope,  
21 photocopy the affidavit from all provisional envelopes, and, except as provided

1 in subdivision (2) of this subsection for a local election, place all provisional  
2 envelopes with the official return of vote, and send all information to the  
3 secretary of state Secretary of State in a manner prescribed by the secretary  
4 Secretary.

5 (2) In the case of a local election, the town clerk shall open the  
6 provisional ballot, deposit the ballot in a ballot box, and count the approved  
7 ballot for each question on which the provisional voted.

8 (d) Upon receipt of the official return of vote that contains provisional  
9 envelopes from any town clerk, the ~~secretary~~ Secretary shall open all  
10 envelopes that were approved by the municipal clerk, deposit the ballot in a  
11 ballot box, and count all approved ballots, adding the totals to the ~~statewide~~  
12 count for ~~federal offices~~ each office for which the provisional voter voted.

13 Sec. 4. 17 V.S.A. § 2563 is amended to read:

14 § 2563. ADMITTING VOTER

15 Before a person may be admitted to vote, he or she shall announce his or  
16 her name and if requested, his or her place of residence in a clear and audible  
17 tone of voice, or present his or her name in writing, or otherwise identify  
18 himself or herself by appropriate documentation. The election officials  
19 attending the entrance of the polling place shall then verify that the person's  
20 name appears on the checklist for the polling place.

1           (1) If the name does appear, and if no one immediately challenges the  
2           person’s right to vote on grounds of identity or having previously voted in the  
3           same election, the election officials shall repeat the name of the person and:

4           ~~(A)~~(i) If the checklist indicates that the person is a first-time voter in  
5           the municipality who registered by mail and who has not provided required  
6           identification before the opening of the polls, require the person to present any  
7           one of the following: a valid photo identification; a copy of a current utility  
8           bill; a copy of a current bank statement; or a copy of a government check,  
9           paycheck, or any other government document that shows the current name and  
10          address of the voter.

11          (ii) If the person is unable to produce the required information, the  
12          person shall be afforded the opportunity to cast a provisional ballot, as  
13          provided in subchapter 6A of this chapter.

14          (iii) The elections official shall note upon the checklist a first-time  
15          voter in the municipality who has registered by mail and who produces the  
16          required information, and place a mark next to the voter’s name on the  
17          checklist and allow the voter to proceed to the voting booth for the purpose of  
18          voting.

19          ~~(2)~~(B) If the voter is not a first-time voter in the municipality, no  
20          identification shall be required, ~~the~~. The clerk shall place a check next to the

1 voter's name on the checklist and allow the voter to proceed to the voting  
2 booth for the purpose of voting.

3 (2) If the name does not appear, the person shall be afforded the  
4 opportunity to cast a provisional ballot, as provided in subchapter 6A of this  
5 chapter.

6 Secs. 5–13. [Deleted.]