

1 H.458

2 Senators Benning, Bray, Collamore, Pollina, and White move that the report  
3 of the Committee on Government Operations be amended as follows:

4 First: In Sec. 1, 17 V.S.A. § 2145a (Department of Motor Vehicles  
5 registration), by striking out subsection (g) in its entirety and inserting in lieu  
6 thereof the following:

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

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

13 Second: By striking out Sec. 8 in its entirety and inserting in lieu thereof  
14 the following:

15 Sec. 8. 17 V.S.A. § 2531 is amended to read:

16 § 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

17 (a)(1) A voter who expects to be an early or absentee voter, or an  
18 authorized person on behalf of such voter, may apply for an early voter  
19 absentee ballot until 5:00 p.m. ~~or the closing of the town clerk’s office on the~~  
20 ~~day~~ Friday preceding the election.

1           (2) The town clerk’s office shall be kept open on the Friday preceding  
2           the election from no later than 3:00 p.m. until 5:00 p.m. for the purpose of  
3           receiving applications for early voter absentee ballots.

4           (3) For the purposes of this subsection, a mail application shall be  
5           considered to have met the application deadline established by this subsection  
6           if the application is received by the town clerk by 5:00 p.m. on the Friday  
7           preceding the election.

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

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

15          Sec. 9. 17 V.S.A. § 2144 is amended to read:

16          § 2144. SUBMITTING APPLICATIONS

17          ~~(a)(1) On any day other than the day of an election, the town clerk shall~~  
18          ~~accept a person’s application for his or her name to be placed on the checklist~~  
19          ~~at the town clerk’s office during all normal business hours~~ Except as provided  
20          in subsection (b) of this section, a town clerk shall not accept applications for a

1 person's name to be placed on the checklist after 5:00 p.m. on the Friday  
2 preceding the day of the election.

3 (2) A town clerk's office shall be kept open on the Friday preceding the  
4 day of the election from no later than 3:00 p.m. until 5:00 p.m. for the purpose  
5 of receiving applications for addition to the checklist.

6 (3) For the purpose of this subsection, a mail application, an application  
7 submitted to the Department of Motor Vehicles in connection with a motor  
8 vehicle driver's license or nondriver identification card, or an application  
9 accepted by a voter registration agency shall be considered to have met the  
10 filing deadline established by this subsection if the application is received by  
11 the town clerk, submitted to the Department of Motor Vehicles, or accepted by  
12 the voter registration agency by 5:00 p.m. of the Friday preceding the day of  
13 the election.

14 (b) On the day of an election:

15 \* \* \*

16 Sec. 10. 17 V.S.A. § 2144a is amended to read:

17 § 2144a. REGISTRATION

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

20 \* \* \*

1           (3) ~~By~~ On or before 5:00 p.m. on the Friday preceding the day of the  
2 election, by delivering, during regular hours, or mailing a completed  
3 application form to the office of the clerk of the town in which the applicant  
4 claims to be a resident.

5           (4) ~~By~~ On the day of an election, by completing a voter registration  
6 application and delivering it to the presiding officer before the close of the  
7 polls at the polling place of the town in which the person seeks to register. In  
8 towns with more than one polling place, the polling place shall be that which  
9 covers the area in which the person resides.

10       Sec. 11. 17 V.S.A. § 2145c is amended to read:

11       § 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER

12                       PERSONS OR ORGANIZATIONS

13       Any person or any organization other than a voter registration agency that  
14 accepts a completed voter registration form on behalf of an applicant shall  
15 submit that form to the town clerk of the town of that applicant not later than  
16 seven days after the date of acceptance, or before ~~the date of any primary or~~  
17 ~~general election~~ 5:00 p.m. on the Friday preceding the election, whichever is  
18 sooner.

1 Sec. 12. 17 V.S.A. § 2556 is amended to read:

2 § 2556. PROVISIONAL VOTING

3 (a) If an individual's name does not appear on the checklist and the  
4 individual claims to have submitted an application for the checklist prior to  
5 5:00 p.m. on the Friday preceding the election and refuses to complete a new  
6 application in accordance with subdivision 2563(2) of this chapter, or if the  
7 individual's registration application has been rejected and the individual  
8 disputes that rejection, the election official shall allow the individual to vote  
9 provisionally.

10 \* \* \*

11 Sec. 13. 17 V.S.A. § 2546a is added to read:

12 § 2546a. DAY PRECEDING ELECTION; DEPOSIT OF EARLY VOTER  
13 ABSENTEE BALLOTS IN VOTE TABULATOR

14 (a) Generally. Notwithstanding any provision of law to the contrary, if a  
15 town uses vote tabulators for the registering and counting of votes and has  
16 checked in early voter absentee ballots in accordance with subsection 2546(a)  
17 of this chapter, on the day preceding an election at his or her office, the town  
18 clerk may deposit early voter absentee ballots into the vote tabulator in  
19 accordance with the provisions of this section.

20 (b) Notice.

1           (1) A town clerk who intends to deposit ballots as described in  
2           subsection (a) of this section shall post notice of this intention in at least two  
3           public places in the municipality, in or near the town clerk’s office, not less  
4           than 30 nor more than 40 days before the election. If a municipality has more  
5           than one polling place and the polling places are not all in the same building,  
6           the notice shall be posted in at least two public places within each voting  
7           district and in or near the town clerk’s office.

8           (2) In addition, at least five days before the day preceding the election,  
9           the notice shall be published in a newspaper of general circulation in the  
10           municipality and on the municipality’s website, if the municipality actively  
11           updates its website on a regular basis.

12           (3) The notice shall include the time for depositing the ballots and the  
13           location of the town clerk’s office at which the ballots will be deposited.

14           (c) Officials. The town clerk, his or her assistant, and at least two election  
15           officials from different political parties shall be present for the inspection of  
16           the sealed certificate envelopes and the processing of the ballots described in  
17           this section.

18           (d) Inspection. At least one hour prior to depositing the ballots in the vote  
19           tabulator, the town clerk shall open the secure container marked “checked in  
20           early voter absentee ballots” and permit its sealed certificate envelopes  
21           containing the ballots to be inspected by members of the public.

1       (e) Processing.

2           (1) Immediately after the expiration of the period for inspection of the  
3       sealed certificate envelopes described in subsection (d) of this section, the  
4       town clerk shall open each sealed certificate envelope containing an early voter  
5       absentee ballot and deposit each ballot into the vote tabulator.

6           (2) The town clerk and the election officials shall ensure that all  
7       procedures for conducting an election are followed to the fullest extent  
8       practicable.

9       (f) Security. The town clerk shall ensure that the vote tabulator retains the  
10       count of the ballots and shall otherwise comply with all provisions of this title  
11       relating to the security of the vote tabulator.

12       (g) Rules. The Secretary of State may adopt rules to implement the  
13       provisions of this section.

14       Sec. 14. EFFECTIVE DATES

15       This act shall take effect as follows:

16           (1) this section and Sec. 7 (Secretary of State study) shall take effect on  
17       passage;

18           (2) Secs. 1 through 6 shall take effect on July 1, 2017; and

19           (3) Secs. 8 through 13 shall take effect on January 1, 2017.