



VMCTA

Vermont Municipal Clerks' and Treasurers' Association

Follow up on Vital Records Bill; **H.629 - An act relating to the administration and issuance of vital records**

As a result of a phone conversation with Rich McCoy, some of the initial concerns of VMCTA were addressed:

- It is our understanding that this bill will create an electronic integrated system of the birth and death records in the State of Vermont
- Clerks may apply for designation by filing a form with the State Registrar confirming that the security paper used to generate certified copies can be kept in a secure and locked location
- Information in the electronic system goes back to 1909. Prior to 1909 the clerks would need to access the paper copies stored in the town vault to generate a certified copy. Any certified copies provided after 1909 must come from the electronic system.
- Clerks can choose not to apply to be designated. In that case, they would only receive, in report form, a list of the births and deaths that occur in their town. The current vitals will no longer need to be stored in binders.
- Clerks that do choose to be designated will have access to all of the birth and death records in the State, back to 1909 and can provide a certified copy when requested.
- This bill does not address the marriage records

The following is still questionable in the current language:

- **Sec. 5039 (b) (2) custodians can't allow public inspections by anybody "who possesses any device that can take an image of the records."**

It seems confusing to attempt to legislate this; especially in the day of ever-changing devices. Today it would be cell phones and cameras... This would be impossible to police.

- **Sec. 5040 (1) specifies who may request a certified copy....**

This designates the relationships to the subject. Filing an application and showing an ID does not prove the relationship to the subject. Should this section be removed? The clerk can verify that the form as been filled out and that an ID has been provided, but not guarantee the relationship.

- **Sec. 5040 (d) authorizes that the State Registrar may issue certified copies of death certificates to:**

- **Social Security Administration**
- **The Veteran's Administration**
- **The deceased's insurance carrier**
- **A funeral home or cremation on behalf of the individual**

The language needs to be clarified to include that the State Registrar along with the designated registrars may issue to the parties above

- **Sec. 5041 (g) (2) (A) and (B) and (C) addresses how to accept a copy of the vital record into the land records**

This section needs clarification or possibly be removed. Or maybe state the distinction between a certified copy and an informational copy. Currently the information on the sheet is the same. The certified copy is issued on security paper and has the town seal. The informational copy is issued on plain paper. Typically the document received into the land records is the certified copy, which is either scanned or copied onto land record paper for the land record book. To require one vs. the other does not change what information is on the document.

- **Sec. 1164 contradicts itself. The first sentence says “A town clerk shall furnish certified copies of any instrument on record in his or her office....”**

And in the same section it states **“A town clerk shall furnish a certified copy of a vital record certificate if his or her office has been designated by the Commissioner of Health...”**

Clarification is needed in this section. It is confusing. It appears that the clerks would need to be designated to access the electronic system and that all certified copies are generated from the electronic system. If a clerk is not designated they would only be able to provide certified copies prior to 1909.

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