

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 29 entitled “An act relating to election day registration” respectfully
4 reports that it has considered the same and recommends that the House propose
5 to the Senate that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 17 V.S.A. § 2142 is amended to read:

8 § 2142. REVISION OF CHECKLIST

9 (a) The town clerk shall call such meetings of the board of civil authority as
10 may be necessary before an election or at other times for revision of the
11 checklist. ~~At least one meeting shall take place after the deadline for filing~~
12 ~~applications and before the day of an election, unless no applications have been~~
13 ~~filed which could take effect before that election.~~

14 (b) Notice of a meeting, along with a copy of the most recent checklist and
15 a separate list of names which have been challenged and may be removed,
16 shall be posted in two or more public places within each voting district and in
17 the town clerk’s office.

18 (c) A quorum of the board of civil authority shall be as provided in
19 subdivision 2103(5) of this title, and written notice shall be provided to each
20 member as established in 24 V.S.A. § 801.

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

2 § 2144. ~~DEADLINE FOR~~ SUBMITTING APPLICATIONS

3 (a) ~~The town clerk shall not accept applications for persons' names to be~~
4 ~~placed on the checklist after 5:00 p.m. on the Wednesday preceding the day of~~
5 ~~the election. The town clerk's office shall be kept open on the Wednesday~~
6 ~~preceding the day of the election from no later than 3:00 p.m. until 5:00 p.m.,~~
7 ~~for the purpose of receiving applications for addition to the checklist. For~~
8 ~~purposes of this subsection, a mail application or an application submitted to~~
9 ~~the department of motor vehicles in connection with a motor vehicle driver's~~
10 ~~license or an application accepted by a voter registration agency shall be~~
11 ~~considered to have met the filing deadline established by this subsection if the~~
12 ~~application is postmarked, submitted, or accepted by 5:00 p.m. of the~~
13 ~~Wednesday preceding the day of the election~~ On any day other than the day of
14 an election, the town clerk shall accept a person's application for his or her
15 name to be placed on the checklist at the town clerk's office during all normal
16 business hours.

17 (b) ~~If a person is not eligible to register prior to the voter registration~~
18 ~~deadline, but expects to be eligible on or before election day, he or she may file~~
19 ~~with the town clerk a written notice of intention to apply for addition of his or~~
20 ~~her name to the checklist. The notice shall be filed prior to the voter~~
21 ~~registration deadline, and the town clerk shall then accept the person's~~

1 ~~application at any time before the close of the polls on election day, and act~~
2 ~~upon the application forthwith~~ On the day of an election:

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

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

15 (3) If the presiding officer or the designated election official cannot
16 determine from an application submitted on election day that an applicant
17 meets the requirements of section 2121 of this chapter, the presiding officer
18 shall immediately refer the application to any members of the board of civil
19 authority, or its equivalent entity under any applicable charter, present at the
20 polling place, who shall meet immediately and proceed under section 2146 of
21 this chapter to determine whether the applicant meets the requirements of

1 section 2121 of this chapter. For purposes of adding applicant's names to the
2 checklist under this subdivision (3), a quorum of the board or its equivalent
3 entity shall be as provided in section 2451 of this title. If the board rejects an
4 applicant, it shall notify him or her at the polling place.

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

12 (d) ~~In the case of annual meetings and towns that start their annual~~
13 ~~meetings on any day preceding the first Tuesday in March as authorized in~~
14 ~~subsection 2640(b) of this title, the "day of election" shall be the first Tuesday~~
15 ~~in March. [Repealed.]~~

16 Sec. 3. 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) Simultaneously with his or her application for, or renewal of, a
21 motor vehicle driver's license as provided in section 2145a of this ~~title~~ chapter.

1 Sec. 5. 17 V.S.A. § 2145a is amended to read:

2 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
3 VEHICLES

4 (a) An application for, or renewal of, a motor vehicle driver's license shall
5 serve as a simultaneous application to register to vote unless the applicant
6 declines to sign the voter registration portion of the application.

7 (b) The voter registration portion of the motor vehicle driver's license
8 application shall provide and request the information required to be provided
9 under section 2145 of this ~~title~~ chapter and shall be in the form approved by the
10 Secretary of State.

11 (c) An application for voter registration under this section shall update any
12 previous voter registration by the applicant. Any change of address form
13 submitted to the Department of Motor Vehicles in connection with an
14 application for a motor vehicle driver's license shall serve to update voter
15 registration information previously provided by the voter, unless the voter
16 states on the form that the change of address is not for voter registration
17 purposes.

18 (d) The Department of Motor Vehicles shall transmit voter registration
19 applications received under this section to the Secretary of State not later than
20 five days after the date the application was accepted by the Department, or

1 before the ~~close of the checklist for a~~ date of any primary or general election,
2 whichever is sooner.

3 (e) The Secretary shall promptly transmit applications received under this
4 section to the clerks of the appropriate municipalities.

5 Sec. 6. 17 V.S.A. § 2145b is amended to read:

6 § 2145b. VOTER REGISTRATION AGENCIES

7 (a) Each voter registration agency shall:

8 (1) ~~Distribute~~ distribute voter registration application forms approved
9 under section 2145 of this title-;

10 (2) ~~Assist~~ assist applicants in completing voter registration application
11 forms, unless the applicant refuses such assistance-; and

12 (3) ~~Accept~~ accept completed voter registration applications and transmit
13 completed applications to the Secretary of State not later than 10 days after the
14 date of acceptance, or before the ~~close of the checklist for a~~ date of any
15 primary or general election, whichever is sooner.

16 (b) The Secretary shall promptly transmit applications received under this
17 section to the clerks of the appropriate municipalities.

18 * * *

1 Sec. 7. 17 V.S.A. § 2145c is amended to read:

2 § 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER
3 PERSONS OR ORGANIZATIONS

4 Any person or any organization other than a voter registration agency that
5 accepts a completed voter registration form on behalf of an applicant shall
6 submit that form to the town clerk of the town of that applicant not later than
7 seven days after the date of acceptance, or before the ~~close of the checklist for~~
8 a date of any primary or general election, whichever is sooner.

9 Sec. 8. 17 V.S.A. § 2147 is amended to read:

10 § 2147. ALTERATION OF CHECKLIST

11 (a) Pursuant to section 2150 of this title, the board of civil authority or,
12 upon request of the board, the town clerk shall add to the checklist ~~posted in~~
13 ~~the town clerk's office~~ the names of the voters added and the names omitted by
14 mistake and shall strike the names of persons not entitled to vote. The list so
15 corrected shall not be altered except by:

16 * * *

17 (3) adding the names of persons who present a copy of a valid
18 application for addition to the checklist of that town ~~that was submitted before~~
19 ~~the deadline for applications~~ or a copy thereof, and who otherwise are qualified
20 to be added to the checklist;

1 (3) If after conducting its inquiry the board of civil authority or town
2 clerk is unable to locate a voter whose name is on the checklist, or if the
3 inquiry reveals facts indicating that the voter may no longer be eligible to vote
4 in the municipality, the board of civil authority or, upon request of the board,
5 the town clerk shall send a written notice to the voter. The notice shall be sent
6 by first class mail to the most recent known address of the voter asking the
7 voter to verify his or her current eligibility to vote in the municipality. The
8 notice shall be sent with the required U.S. Postal Service language for
9 requesting change of address information. Enclosed with the notice shall be a
10 postage paid pre-addressed return form on which the voter may reply swearing
11 or affirming the voter's current place of residence as the municipality in
12 question or alternatively consenting to the removal of the voter's name. The
13 notice required by this subsection shall also include the following:

14 (A) A statement informing the voter that if the voter has not changed
15 his or her residence, or if the voter has changed his or her residence but the
16 change was within the area covered by the checklist, the voter should return
17 the form to the town clerk's office ~~on or before the date upon which the~~
18 ~~checklist is closed under section 2144 of this title.~~ The statement shall also
19 inform the voter that if he or she fails to return the form as provided in this
20 subdivision, written affirmation of the voter's address shall be required before
21 the voter is permitted to vote.

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(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

* * *

Sec. 10. 17 V.S.A. § 2532 is amended to read:

§ 2532. APPLICATIONS; FORM

* * *

(c) If the request is received by the town clerk prior to the ~~voter registration~~ deadline for requesting early voter absentee ballots set forth in subsection 2144(a) section 2531 of this title chapter, the town clerk shall mail a blank application for addition to the checklist, together with a full set of early voter absentee ballots, to the person who has applied for early voter absentee ballots. All such applications for addition to the checklist which are returned to the town clerk before the close of the polls on election day shall be considered and acted upon by the board of civil authority before the ballots are counted. If the application is approved and the name added to the checklist, the early voter

1 absentee ballots cast by that voter shall be treated as other valid early voter
2 absentee ballots.

3 * * *

4 **Sec. 11.** 17 V.S.A. § 2555 is amended to read:

5 § 2555. PROVISIONAL BALLOT ENVELOPES

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

9 * * *

10 (2) An attestation by the provisional voter that he or she submitted a
11 properly completed voter application form ~~before the application deadline.~~
12 The attestation shall be signed by the provisional voter under penalty of
13 perjury.

14 * * *

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

16 § 2556. PROVISIONAL VOTING

17 (a) If an individual's name does not appear on the checklist and the
18 individual claims to have submitted an application for the checklist ~~prior to~~
19 ~~noon on the second Monday before the election~~ and refuses to complete a new
20 application in accordance with subdivision 2563(2) of this chapter, or if the
21 individual's registration application has been rejected and the individual

1 disputes that rejection, the election official shall allow the individual to vote
2 provisionally.

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

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

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

12 § 2563. ADMITTING VOTER

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

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

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

8 (ii) If the person is unable to produce the required information, the
9 person shall be afforded the opportunity to ~~cast a provisional ballot, as~~
10 ~~provided in subchapter 6A of this chapter~~ complete a new application for
11 addition to the checklist in accordance with section 2144 of this title.

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

17 ~~(2)~~(B) If the voter is not a first-time voter in the municipality, no
18 identification shall be required, ~~the~~. The clerk shall place a check next to the
19 voter's name on the checklist and allow the voter to proceed to the voting
20 booth for the purpose of voting.

1 (2) If the name does not appear, the person shall be afforded the
2 opportunity to complete an application for addition to the checklist in
3 accordance with section 2144 of this title.

4 **Sec. 14. SECRETARY OF STATE REPORT**

5 (a) The Secretary of State shall consult with town clerks and report on or
6 before January 15, 2016, to the Senate and House Committees on Government
7 Operations with his or her proposed process and any recommendations or
8 concerns regarding the following:

9 (1) permitting a town clerk to deposit in a vote tabulator on the day
10 before an election any early voter absentee ballots he or she has received,
11 while still complying with other provisions of election law;

12 (2) ensuring that all towns have Internet access at each polling place on
13 the day of an election;

14 (3) permitting automatic voter registration through the Department of
15 Motor Vehicles; and

16 (4) public service announcements that encourage people to register to
17 vote prior to the day of an election.

18 (b) The report described in subsection (a) of this section shall also address:

19 (1) any improvements in the registration of voters through the
20 Department of Motor Vehicles;

- 1 (2) other states that require identification for election day voter
2 registration and whether Vermont should also require such identification; and
3 (3) any other recommendations regarding the administration of election
4 day registration.

5 Sec. 15. EFFECTIVE DATES

6 This act shall take effect on January 1, 2017, except for Sec. 14 (Secretary
7 of State report), which shall take effect on passage.

8

9

10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE