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H.458

Senators Benning, Bray, Collamore, Pollina, and White move that the Senate propose to the House that the bill be amended as follows:

First: By adding a new section to be Sec. 7a to read:

Sec. 7a. 17 V.S.A. § 2546a is added to read:

§ 2546a. DAY PRECEDING ELECTION; DEPOSIT OF EARLY VOTER

ABSENTEE BALLOTS IN VOTE TABULATOR

(a) Generally. Notwithstanding any provision of law to the contrary, if a town will be using a vote tabulator for the registering and counting of votes in the upcoming election and will check in early voter absentee ballots in accordance with subsection 2546(a) of this chapter for that election, the board of civil authority may vote to permit elections officials to deposit those early voter absentee ballots into the vote tabulator in accordance with the provisions of this section. This depositing of these ballots shall take place at the town clerk's office on the day preceding the election.

(b) Notice.

(1) If a board of civil authority votes to deposit ballots as described in subsection (a) of this section, the town clerk shall post notice that ballots will be so deposited in at least two public places in the municipality and in or near the town clerk's office not less than 30 nor more than 40 days before the election. If a municipality has more than one polling place and the polling

1 places are not all in the same building, the notice shall be posted in at least two
2 public places within each voting district and in or near the town clerk's office.

3 (2) In addition, at least five days before the day preceding the election,
4 the notice shall be published in a newspaper of general circulation in the
5 municipality and on the municipality's website, if the municipality actively
6 updates its website on a regular basis.

7 (3) The notice shall include the date and time for the count, inspection,
8 and depositing of the ballots and the location of the town clerk's office.

9 (c) Officials. The town clerk and at least two other election officials, from
10 different political parties to the extent practicable, shall be present for the
11 inspection of the sealed certificate envelopes and the processing of the ballots
12 described in this section.

13 (d) Count and inspection. On the day preceding the election, at least one
14 hour prior to depositing the ballots in the vote tabulator, the town clerk and the
15 election officials shall:

16 (1) first open the secure container marked "checked in early voter
17 absentee ballots," count the sealed certificate envelopes containing those
18 ballots, and record the number counted; and

19 (2) permit these sealed certificate envelopes to be inspected by members
20 of the public.

1 (e) Processing.

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

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

8 (3) At the end of the processing, the town clerk shall verify that the vote
9 tabulator's memory card is locked in place and shall sign a statement verifying
10 how many early voter absentee ballots were counted by the vote tabulator and
11 that the memory card is so locked. The town clerk shall compare the vote
12 tabulator's number of counted ballots to the original count of those ballots
13 described in subsection (d) of this section.

14 (f) Security. The town clerk shall otherwise comply with all provisions of
15 this title relating to the security of the vote tabulator.

16 (g) Election day. On the day of the election, when the vote tabulator is
17 turned on at the polling place, the town clerk shall verify that the number of
18 ballots that the vote tabulator displays as having been counted matches the
19 number that the town clerk verified the tabulator counted on the preceding day.

20 (h) Rules. The Secretary of State may adopt rules to implement the
21 provisions of this section.

- 1 Second: In Sec. 8 (effective dates), by adding a new subsection to be
2 subsection (b) to read:
3 (b) Sec. 7a, 17 V.S.A. § 2546a, shall take effect on January 1, 2017.
4 and by relettering current Sec. 8(b) to be Sec. 8(c).