

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 458 entitled “An act relating to automatic voter registration through
4 motor vehicle driver’s license applications” respectfully reports that it has
5 considered the same and recommends that the Senate propose to the House that
6 the bill be amended by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

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

9 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
10 VEHICLES

11 (a) An application for, or renewal of, a motor vehicle driver’s license or
12 nondriver identification card shall serve as a simultaneous application to
13 register to vote unless the applicant ~~declines to sign the voter registration~~
14 ~~portion of the application~~ checks the box on the application designating that he
15 or she declines to use the application as a voter registration application.

16 (b)(1) ~~The voter registration portion of the~~ A motor vehicle driver’s license
17 or nondriver identification card application shall provide and request the
18 following information ~~required to be provided under section 2145 of this~~
19 ~~chapter~~ and shall be in the form approved by the Secretary of State:

20 (A) The applicant’s citizenship.

21 (B) The applicant’s place and date of birth.

1 (C) The applicant’s town of legal residence.

2 (D) The applicant’s street address or a description of the physical
3 location of the applicant’s residence. The description must contain sufficient
4 information so that the town clerk can determine whether the applicant is a
5 resident of the town.

6 (E) The voter’s oath.

7 (F) The applicant’s e-mail address, which shall be optional to
8 provide.

9 (2) A motor vehicle driver’s license or nondriver identification card
10 application shall provide the following statements:

11 (A) “By signing and submitting this application, you are authorizing
12 the Department of Motor Vehicles to transmit this application to the Secretary
13 of State for voter registration purposes. YOU MAY DECLINE TO
14 REGISTER. Both the office through which you submit this application and
15 your decision of whether or not to register will remain confidential and will be
16 used for voter registration purposes only.”

17 (B) “In order to be registered to vote, you must: (1) be a U.S. citizen;
18 (2) be a resident of Vermont; (3) have taken the voter’s oath; and (4) be
19 18 years of age or older. Any person meeting the requirements of (1)–(3) who
20 will be 18 years of age on or before the date of a general election may register
21 and vote in the primary election immediately preceding that general election.

1 Failure to decline to register is an attestation that you meet the requirements
2 to vote.”

3 (3) A motor vehicle driver’s license or nondriver identification card
4 application shall provide the penalties provided by law for submission of a
5 false voter registration application and shall require the signature of the
6 applicant, under penalty of perjury.

7 * * *

8 (d)(1) ~~The Department of Motor Vehicles shall transmit voter registration~~
9 motor vehicle driver’s license and nondriver identification card applications
10 received under this section to the Secretary of State not later than five days
11 after the date the application was accepted by the Department, or before the
12 date of any primary or general election, whichever is sooner.

13 (2) The Department of Motor Vehicles shall not transmit motor vehicle
14 driver’s license and nondriver identification card applications when the
15 applicant has designated that he or she declines to be registered.

16 (3) The Department of Motor Vehicles shall ensure confidentiality of
17 records as required by subdivision (b)(2)(A) of this section.

18 * * *

19 (f) In transmitting applications received under this section, the Secretary
20 shall ensure compliance with the requirements of 15 V.S.A. chapter 21,
21 subchapter 3.

1 (g) The Secretary shall take appropriate measures to educate the public
2 about voter registration under this section.

3 Sec. 2. 17 V.S.A. § 2145 is amended to read:

4 § 2145. APPLICATION FORMS

5 (a) The voter registration application shall be in the form approved by the
6 Federal Election Commission or by the Secretary of State. The application
7 form approved by the Secretary shall include:

8 * * *

9 (2) The voter’s oath ~~and a space for a person administering the voter’s~~
10 ~~oath to another to execute the written notification required by section 2124 of~~
11 ~~this title.~~

12 * * *

13 (4) The following statements:

14 (A) “If you were ~~provided with this form when you applied for, or~~
15 ~~renewed, a motor vehicle driver’s license or were provided with this~~
16 application form by a voter registration agency, you may decline to register. If
17 you decline to register, your failure to register will remain confidential and will
18 be used only for voter registration purposes.”

19 (B) “If you are submitting this application ~~in connection with a motor~~
20 ~~vehicle driver’s license application, or renewal, or through a voter registration~~

1 agency, the office through which you submitted this application will remain
2 confidential and will be used only for voter registration purposes.”

3 (5) ~~The following statement on applications provided by the Department~~
4 ~~of Motor Vehicles: “Keep this receipt and take it to the polls when you go to~~
5 ~~vote. This is proof you submitted an application for registration.”~~ [Repealed.]

6 * * *

7 (f) A person who makes a false statement in completing a voter registration
8 application form or the voter registration portion of an application for a motor
9 vehicle driver’s license or nondriver identification card knowing the statement
10 to be false shall be subject to the penalties of perjury as provided in 13 V.S.A.
11 § 2901, except that a person who is not eligible to register to vote and who
12 otherwise completes the application accurately shall not be considered to have
13 made a false statement under this subsection by his or her failure to decline to
14 register on a motor vehicle driver’s license or nondriver identification card
15 application under section 2145a of this chapter.

16 * * *

1 Sec. 3. 17 V.S.A. § 2124 is amended to read:

2 § 2124. VOTER'S OATH OR AFFIRMATION; HOW ADMINISTERED;

3 APPLICATION

4 * * *

5 (b) ~~A person who administers the voter's oath or affirmation to another~~
6 ~~shall forthwith sign the appropriate place on the application or sign some other~~
7 ~~written notification giving the person's name and the date the oath or~~
8 ~~affirmation was administered.~~ [Repealed.]

9 (c) At a minimum, the town clerk shall keep the completed applications for
10 addition to the checklist, or an electronic copy thereof, through the end of the
11 general election cycle that follows the one in which the application was
12 received. ~~If the written notification that a person has taken the oath or~~
13 ~~affirmation is submitted separately from the application, it shall be filed along~~
14 ~~with the application.~~ The town clerk shall verify, upon request, that a voter has
15 been given the oath or affirmation.

1 Sec. 4. 17 V.S.A. § 2144a is amended to read:

2 § 2144a. REGISTRATION

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

5 (1) Simultaneously with his or her application for, or renewal of, a
6 motor vehicle driver's license or nondriver identification card as provided in
7 section 2145a of this chapter.

8 * * *

9 Sec. 5. 23 V.S.A. § 603(a)(4) is added to read:

10 (4) Any new or renewal application form shall provide for and request
11 the information required in 17 V.S.A. § 2145a.

12 Sec. 6. 1 V.S.A. § 317(c) is amended to read:

13 (c) The following public records are exempt from public inspection and
14 copying:

15 * * *

16 (31) Records of a registered voter's month and day of birth, motor
17 vehicle operator's license number, and the last four digits of the applicant's
18 Social Security number contained in an application to the statewide voter
19 checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or
20 the failure to register to vote under 17 V.S.A. § 2145a.

21 * * *

1 Sec. 7. 17 V.S.A. § 2531 is amended to read:

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

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

9 (3) For the purposes of this subsection, a mail application shall be
10 considered to have met the application deadline established by this subsection
11 if the application is postmarked by 5:00 p.m. on the Friday preceding the
12 election.

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

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

1 Sec. 8. 17 V.S.A. § 2545 is amended to read:

2 § 2545. RECEIPT OF MARKED BALLOTS BY TOWN CLERK;

3 DELIVERY TO ELECTION OFFICERS

4 (a)(1) Upon receipt of the envelope containing the marked ballots of an
5 early or absentee voter, the town clerk shall record the fact on the list of early
6 or absentee voters and safely keep the envelope until election day

7 (2) During the hours that the polls are open, he or she shall deliver the
8 envelope to the presiding officer in the polling place where the early or
9 absentee voter would have voted if he or she had voted in person.

10 (b)(1) Notwithstanding the provisions of subsection (a) of this section that
11 require a town clerk to keep the envelope until election day and deliver it to the
12 polling place on election day, and notwithstanding any other provision of law
13 to the contrary, if a town uses vote tabulators for the registering and counting
14 of votes and the clerk of that town receives at least 25 early voter absentee
15 ballots prior to election day, on the day before the election he or she may
16 deposit those ballots into a vote tabulator.

17 (2) A town clerk who deposits early voter absentee ballots into a vote
18 tabulator as described in subdivision (1) of this subsection shall ensure that the
19 vote tabulator retains the count of those ballots for the day of the election and
20 shall otherwise comply with the provisions of this title.

1 Sec. 9. SECRETARY OF STATE; STUDY

2 The Secretary of State shall consult with the Office of the Attorney General
3 to examine ways in which to register persons 16 years of age who will be 18
4 years of age on or before the next general election. The Secretary of State
5 shall issue a report to the Senate and House Committees on Government
6 Operations on or before January 15, 2017.

7 Sec. 10. EFFECTIVE DATES

8 (a) This section and Sec. 9 (secretary of state study) shall take effect on
9 passage.

10 (b) Secs. 7 (early voting deadline) and 8 (depositing early voting ballots)
11 shall take effect on January 1, 2017.

12 (c) The remainder of the act shall take effect on July 1, 2017.

13

14

15 (Committee vote: _____)

16

17

Senator _____

18

FOR THE COMMITTEE