

1 H.555

2 Introduced by Representative Giambatista of Essex

3 Referred to Committee on

4 Date:

5 Subject: Elections; qualification and registration of voters; statewide voter  
6 checklist; copies; limitations on access

7 Statement of purpose of bill as introduced: This bill proposes to:

8 (1) limit the provision of copies of the nonconfidential provisions of the  
9 statewide voter checklist to candidates, political committees, and political  
10 parties;

11 (2) prohibit the distribution of those copies of the checklist beyond the  
12 requesting candidate, political committee, or political party;

13 (3) limit the use of those copies by those persons to political campaigns  
14 or encouraging individuals to register to vote or to vote;

15 (4) permit the public inspection of the checklist at the office of the  
16 Secretary of State by any person; and

17 (5) allow the Secretary of State to provide the information contained in  
18 the checklist to an organization whose purpose is to assist the State with  
19 checklist maintenance, provided that organization maintains the confidentiality  
20 of that information.

1 An act relating to providing limitations on obtaining and using copies of the  
2 statewide voter checklist

3 It is hereby enacted by the General Assembly of the State of Vermont:

4 Sec. 1. 17 V.S.A. § 2154 is amended to read:

5 § 2154. STATEWIDE VOTER CHECKLIST

6 (a) Purpose. The Secretary of State shall ~~establish~~ maintain a uniform and  
7 nondiscriminatory, statewide voter ~~registration~~ checklist. This checklist shall  
8 serve as the official voter registration list for all elections in the State. In  
9 ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

10 (1) limit ~~the~~ a town clerk to adding, modifying, or deleting applicant and  
11 voter information on the portion of the checklist for that clerk's municipality;

12 (2) limit access to the statewide voter checklist for a local elections  
13 official to verifying if the applicant is registered in another municipality in the  
14 State by a search for the individual voter;

15 (3) notify a local elections official when a voter registered in that  
16 official's district registers in another voting district so that the voter may be  
17 removed from that ~~district's~~ official's district checklist;

18 (4) provide adequate security to prevent unauthorized access to the  
19 checklist; and

20 (5) ensure the compatibility and comparability of information on the  
21 checklist with information contained in the Department of Motor Vehicles'  
22 computer systems.

1 (b) Confidential information.

2 (1) A registered voter's month and day of birth, driver's license or  
3 nondriver identification number, telephone number, e-mail address, and the  
4 last four digits of his or her Social Security number shall be kept confidential  
5 and are exempt from public ~~copying and~~ inspection and copying under the  
6 Public Records Act.

7 (2) An elections official shall not access the portion of the statewide  
8 voter checklist that is confidential under subdivision (1) of this subsection,  
9 except for elections purposes.

10 (c) Copies.

11 (1) A person may only obtain a copy of the nonconfidential portions of  
12 the statewide voter checklist if he, she, or it is a political committee registered  
13 under chapter 61 of this title, a political party organized under chapter 45 of  
14 this title, or a candidate validly nominated under chapter 49 of this title or  
15 registered under chapter 61 of this title.

16 (2) Any person obtaining, either directly or indirectly, information from  
17 the statewide voter checklist under this subsection shall not:

18 (A) distribute that information outside the political committee that  
19 requested a copy of the checklist, the political party that requested such a copy  
20 or its national affiliate, or, in the case of a candidate who requested such a  
21 copy, outside his or her candidate's committee; or

1           (B) use the information for any purpose that is not directly related to  
2           a political campaign or encouraging individuals to register to vote or to vote.

3           (3) Any person wishing to obtain a copy of all of the statewide voter  
4           checklist ~~must swear or affirm,~~ under this subsection may do so on a per-  
5           request or annual basis. Such a person shall file with the Secretary of State an  
6           affirmation in which the person swears or affirms under penalty of perjury  
7           pursuant to 13 V.S.A. chapter 65 that the person ~~will not use the checklist for~~  
8           ~~commercial purposes. The affirmation shall be filed with the Secretary of~~  
9           ~~State;~~

10           (A) is eligible to obtain the copy under subdivision (1) of this  
11           subsection; and

12           (B) will conform to the requirements of subdivision (2) of this  
13           subsection.

14           ~~(d) An elections official shall not access the portion of the statewide voter~~  
15           ~~checklist that is exempt from public inspection pursuant to 1 V.S.A.~~  
16           ~~§ 317(e)(31), except for elections purposes. Public inspection. Any person~~  
17           may inspect the nonconfidential portions of the statewide voter checklist at the  
18           office of the Secretary of State during normal business hours in accordance  
19           with procedures adopted by the Secretary. Except as provided in  
20           subsection (c) of this section, such a person is prohibited from making any  
21           copy of the checklist.

1 (e) Civil penalty.

2 (1) A person who violates the prohibitions regarding the checklist set  
3 forth in subdivision (c)(2) or subsection (d) of this section shall be subject to a  
4 civil penalty of not more than \$1,000.00 for each violation, in addition to any  
5 other penalties provided by law.

6 (2) An action to enforce this penalty shall be brought in the Judicial  
7 Bureau pursuant to 4 V.S.A. chapter 29.

8 (f) Checklist maintenance. Nothing in this section shall prohibit the  
9 Secretary of State from providing the information contained in the statewide  
10 voter checklist to an organization whose purpose is to assist the State with  
11 maintenance of the checklist by comparing the checklist to those of other  
12 states, provided that organization and any person associated with it shall not  
13 distribute the information outside the organization and shall only use the  
14 information for that purpose of checklist maintenance. The Secretary's  
15 agreement with such an organization shall ensure the confidentiality of  
16 statewide voter checklist information.

17 Sec. 2. 1 V.S.A. § 317 is amended to read:

18 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND

19 DOCUMENTS

20 \* \* \*

1 (c) The following public records are exempt from public inspection and  
2 copying:

3 \* \* \*

4 (31) Records of a registered voter's month and day of birth, driver's  
5 license or nondriver identification number, telephone number, e-mail address,  
6 and the last four digits of his or her Social Security number contained in an  
7 application to the statewide voter checklist or the statewide voter checklist  
8 established under 17 V.S.A. § 2154 or the failure to register to vote under  
9 17 V.S.A. § 2145a.

10 \* \* \*

11 Sec. 3. 4 V.S.A. § 1102 is amended to read:

12 § 1102. JUDICIAL BUREAU; JURISDICTION

13 \* \* \*

14 (b) The Judicial Bureau shall have jurisdiction of the following matters:

15 \* \* \*

16 (28) Violations of 17 V.S.A. § 2154(c)(2) and (d), relating to  
17 prohibitions regarding the statewide voter checklist.

18 \* \* \*

19 Sec. 4. EFFECTIVE DATE

20 This act shall take effect on passage.