

1 H.624

2 Introduced by Representative Giambatista of Essex

3 Referred to Committee on

4 Date:

5 Subject: Elections; statewide voter checklist; federal registry or database;
6 personally identifying information

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

8 (1) add a person's information maintained in the statewide voter
9 checklist to the list of personally identifying information that cannot be
10 disclosed to the federal government; and

11 (2) add a registered voter's telephone number to the information in the
12 statewide voter checklist that shall be kept confidential and exempt from
13 public inspection and copying under the Public Records Act.

~~An act relating to the protection of information in the statewide voter
checklist~~ *An act relating to the protection of information in the statewide
voter checklist and to the use of vote tabulators.*

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

15 ~~Sec. 1. 20 V.S.A. § 4651 is amended to read:~~

16 § 4651. PROHIBITED DISCLOSURE OF PERSONALLY IDENTIFYING
17 INFORMATION

18 ~~(a) As used in this section.~~

1 (1) “Personally identifying information” means information concerning
2 a person’s sex, sexual orientation, gender identity, marital status, race, color,
3 religion, national origin, immigration status, age, or disability or a person’s
4 information maintained in the statewide voter checklist.

5 (2) “Public agency” ~~has~~ shall have the same meaning as in 1 V.S.A.
6 § 317 and shall include all officers, employees, agents, and independent
7 contractors of the public agency.

8 (b) A public agency shall not:

9 (1) collect information regarding the religious beliefs, practices, or
10 affiliation of any individual for the purpose of registration of an individual
11 based on his or her religious beliefs, practices, or affiliations;

12 (2) knowingly disclose personally identifying information to any federal
13 agency or official for the purpose of registration of an individual based on his
14 or her personally identifying information; or

15 (3) use public agency money, facilities, property, equipment, or
16 personnel to assist in creating or enforcing any federal government program
17 for the registration of an individual based on his or her personally identifying
18 information.

19 (c) Any section, term, or provision of an agreement in existence on the
20 effective date of this section that conflicts with subsection (b) of this section

21 ~~shall be invalidated on that date to the extent of the conflict.~~

1 ~~(d) Nothing in this section is intended to prohibit or impede any public~~
2 agency from complying with the lawful requirements of 8 U.S.C. §§ 1373 and
3 1644. To the extent any State or local law enforcement policy or practice
4 conflicts with the lawful requirements of 8 U.S.C. §§ 1373 and 1644, ~~said the~~
5 policy or practice is, to the extent of such conflict, abolished.

6 (e) Nothing in this section is intended to prohibit or impede any public
7 agency from disclosing or exchanging aggregated information that cannot be
8 used to identify an individual with any other public agency or federal agency
9 or official.

10 Sec. 2. 17 V.S.A. § 2154 is amended to read:

11 § 2154. STATEWIDE VOTER CHECKLIST

12 (a) The Secretary of State shall ~~establish~~ maintain a uniform and
13 nondiscriminatory, statewide voter ~~registration~~ checklist. This checklist shall
14 serve as the official voter registration list for all elections in the State. In
15 ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

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

19 (2) limit access to the statewide voter checklist for a local elections
20 official to verifying if the applicant is registered in another municipality in the
21 State by a search for the individual voter,

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

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

6 (5) ensure the compatibility and comparability of information on the
7 checklist with information contained in the Department of Motor Vehicles'
8 computer systems.

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

14 * * *

15 Sec. 3. 1 V.S.A. § 317 is amended to read:

16 § 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
17 DOCUMENTS

18 * * *

19 (c) The following public records are exempt from public inspection and
20 copying:

21

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

7 * * *

8 Sec. 4. EFFECTIVE DATE

9 ~~This act shall take effect on passage.~~

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

§ 2154. STATEWIDE VOTER CHECKLIST

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

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

(2) limit access to the statewide voter checklist for a local elections official to verifying if whether the applicant is registered in another ~~municipality in the State by a search for the individual voter,~~

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

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

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

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

~~(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose any information pertaining to a registered voter that is maintained in the statewide voter checklist or in a municipality's portion of the statewide voter checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity for the purpose of:~~

~~(A) registration of a voter based on his or her information~~

maintained in the checklist:

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose any voter information maintained in the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibition set forth in subdivision (b)(2) of this section.

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

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

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND

DOCUMENTS

* * *

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

* * *

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

* * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on passage.

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

§ 2154. STATEWIDE VOTER CHECKLIST

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

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

municipality;

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

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

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

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

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

(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose a copy of all of the statewide voter checklist or a municipality's portion of the statewide voter checklist to any foreign

government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity for the purpose of:

(A) registration of a voter based on his or her information maintained in the checklist;

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibited purposes for using the checklist set forth in subdivision (b)(2) of this section.

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

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

*§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
DOCUMENTS*

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

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

** * **

Sec. 3. 17 V.S.A. § 2491 is amended to read:

§ 2491. POLITICAL SUBDIVISION; VOTE TABULATORS

(a) Except as provided in subsection (b) of this section, a board of civil authority may, at a meeting held not less than 60 days prior to an election and warned pursuant to 24 V.S.A. § 801, vote to require the political subdivision for which it is elected to use vote tabulators for the registering and counting of votes in subsequent local, primary, or general elections, or any combination of

those.

(b) A town with 1,000 or more registered voters as of December 31 in an even-numbered year shall use vote tabulators for the registering and counting of votes in subsequent general elections.

(c)(1) The Office of the Secretary of State shall pay the following costs associated with this section by using federal Help America Vote Act funds, as available:

(A) full purchase and warranty cost of vote tabulators, ballot boxes, and two memory cards for each tabulator;

(B) annual maintenance costs of vote tabulators for each town; and

(C) the first \$500.00 of the first pair of a vote tabulator's memory cards' configuration costs for each primary and general election.

(2) A town shall pay the remainder of any cost not covered by subdivision (1) of this subsection.

(d)(1) Notwithstanding a town's use of vote tabulators under this section or any other provision of law, the Secretary of State may suspend the use of vote tabulators and require the hand count of votes in an election if the Secretary determines there are reasonable grounds to believe that the vote tabulators to be used in that election may have been rendered inoperable.

(2) Upon such a determination, the Secretary shall alert the clerks of the affected municipalities of his or her decision as soon as practicable.

Sec. 4. EFFECTIVE DATE

This act shall take effect on passage.