1   TO THE HONORABLE SENATE:

2   The Committee on Government Operations to which was referred House

3   Bill No. 624 entitled "An act relating to the protection of information in the

4   statewide voter checklist" respectfully reports that it has considered the same

5   and recommends that the Senate propose to the House that the bill be amended

6   by striking out all after the enacting clause and inserting in lieu thereof the

7   following:

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

9   § 2154. STATEWIDE VOTER CHECKLIST

10   (a) The Secretary of State shall ~~establish~~ maintain a uniform and

11   nondiscriminatory~~,~~ statewide voter ~~registration~~ checklist. This checklist shall

12   serve as the official voter registration list for all elections in the State. In

13   ~~establishing~~ maintaining the statewide voter checklist, the Secretary shall:

14   (1) limit ~~the~~ a town clerk to adding, modifying, or deleting applicant and

15   voter information on the portion of the checklist for that clerk's municipality;

16   (2) limit access to the statewide voter checklist for a local elections

17   official to verifying ~~if~~ whether the applicant is registered in another

18   municipality in the State by a search for the individual voter;

19   (3) notify a local elections official when a voter registered in that

20   official's district registers in another voting district so that the voter may be

21   removed from that ~~district's~~ official's district checklist;

1   (4) provide adequate security to prevent unauthorized access to the

2   checklist; and

3   (5) ensure the compatibility and comparability of information on the

4   checklist with information contained in the Department of Motor Vehicles'

5   computer systems.

6   (b)(1) A registered voter's month and day of birth, driver's license or

7   nondriver identification number, telephone number, e-mail address, and the

8   last four digits of his or her Social Security number shall be kept confidential

9   and are exempt from public ~~copying and~~ inspection and copying under the

10   Public Records Act.

11   (2) A public agency as defined in 1 V.S.A. § 317 and any officer,

12   employee, agent, or independent contractor of a public agency shall not

13   knowingly disclose any information pertaining to a registered voter that is

14   maintained in the statewide voter checklist or in a municipality's portion of the

15   statewide voter checklist to any foreign government or to a federal agency or

16   commission or to a person acting on behalf of a foreign government or of such

17   a federal entity for the purpose of:

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

19   in the checklist;

20   (B) publicly disclosing a voter's information maintained in the

21   checklist; or

1   (C) comparing a voter's information maintained in the checklist to

2   personally identifying information contained in other federal or state databases.

3   (c)(1) Any person wishing to obtain a copy of all of the statewide voter

4   checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A.

5   chapter 65, that the person will not:

6   (A) use the checklist for commercial purposes; or

7   (B) knowingly disclose any voter information maintained in the

8   checklist to any foreign government or to a federal agency or commission or to

9   a person acting on behalf of a foreign government or of such a federal entity in

10   circumvention of the prohibition set forth in subdivision (b)(2) of this section.

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

12   (d) An elections official shall not access the portion of the statewide voter

13   checklist that is exempt from public inspection pursuant to 1 V.S.A.

14   § 317(c)(31), except for elections purposes.

15   Sec. 2. 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~~ a

4   voter registration application ~~to the statewide voter checklist~~ or the statewide

5   voter checklist established under 17 V.S.A. § 2154 or the failure to register to

6   vote under 17 V.S.A. § 2145a.

7   * * *

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

9   § 2491. POLITICAL SUBDIVISION; VOTE TABULATORS

10   (a) Except as provided in subsection (b) of this section, a board of civil

11   authority may, at a meeting held not less than 60 days prior to an election and

12   warned pursuant to 24 V.S.A. § 801, vote to require the political subdivision

13   for which it is elected to use vote tabulators for the registering and counting of

14   votes in subsequent local, primary, or general elections, or any combination of

15   those.

16   (b) A town with 1,000 or more registered voters as of December 31 in an

17   even-numbered year shall use vote tabulators for the registering and counting

18   of votes in subsequent general elections.

19   (c)(1) The Office of the Secretary of State shall pay the following costs

20   associated with this section by using federal Help America Vote Act funds, as

21   available:

1   (A) full purchase and warranty cost of vote tabulators, ballot boxes,

2   and two memory cards for each tabulator;

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

4   (C) the first $500.00 of the first pair of a vote tabulator's memory

5   cards' configuration costs for each primary and general election.

6   (2) A town shall pay the remainder of any cost not covered by

7   subdivision (1) of this subsection.

8   (d)(1) Notwithstanding a town's use of vote tabulators under this section or

9   any other provision of law, the Secretary of State may suspend the use of vote

10   tabulators and require the hand count of votes in an election if the Secretary

11   determines there are reasonable grounds to believe that the vote tabulators to

12   be used in that election may have been rendered inoperable.

13   (2) Upon such a determination, the Secretary shall alert the clerks of the

14   affected municipalities of his or her decision as soon as practicable.

15   Sec. 4. EFFECTIVE DATE

16   This act shall take effect on passage.

17   and that after passage the title of the bill be amended to read: "An act

18   relating to the protection of information in the statewide voter checklist and to

19   the use of vote tabulators"

20

21

1   (Committee vote: _____)

2   _____

3   Senator _____

4   FOR THE COMMITTEE