



State of Vermont

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James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary

To: Chris Winters, Deputy Secretary of State
From: Will Senning, Director of Elections
Date: 6/11/2020
Re: Election Laws relative to absentee ballot offenses

Below are the provisions in Chapter 35 of Title 17 that most directly address the kind of early/absentee ballot fraud which have been raised during discussion of S.348:

"Chapter 35: Offenses Against The Purity Of Elections"

It is illegal to cast more than one ballot.

"§ 1971. Casting more than one ballot

A legal voter who knowingly casts more than one ballot at any one time of balloting for the same office shall be fined not more than \$1,000.00 if the offense is committed at a primary or general election, and not more than \$100.00 if committed at a local election."

A voter cannot show someone how they are going to vote.

"§ 1972. Showing ballot; interference with voter

(a) A voter who, except in cases of assistance as provided in this title, allows his or her ballot to be seen by another person with an apparent intention of letting it be known how he or she is about to vote . . . shall be fined \$1,000.00."

It is illegal to impersonate another person voting, specifically including deceased persons. This is subject to up to one year in prison.

"§ 2015. Fraudulent voting

A person who personates another, living or dead, and gives or offers to give a vote in the name of that other person or gives or offers to give a vote under a fictitious name at a local, primary, or general election for an officer to be elected at that election shall be imprisoned not more than one year or fined not more than \$200.00, or both. (Amended 1981, No. 223 (Adj. Sess.), § 23; 2013, No. 161 (Adj. Sess.), § 1.)"

It is illegal to unduly influence another person as to how they vote.

"§ 2017. Undue influence

A person who attempts by bribery, threats, or any undue influence to dictate, control, or alter the vote of a voter about to be given at a local, primary, or general election shall be fined not more than \$200.00. (Amended 2013, No. 161 (Adj. Sess.), § 1; 2019, No. 67, § 5.)"

It is illegal to intercept or destroy a person's absentee ballot materials

"§ 2019. Destroying lists; hindering voting

A person who, prior to a local, primary, or general election, willfully defaces or destroys any list of candidates posted in accordance with law or, during that election, willfully defaces, tears down, removes, or destroys any card posted for the instruction of voters or, during that election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his or her ballot or willfully hinders the voting of others shall be fined \$200.00. (Amended 2013, No. 161 (Adj. Sess.), § 1.)"

It is illegal to falsely sign, destroy, or deface another person's ballot. This would be in addition to the penalties of perjury associated with signing for another person on the certificate envelope.

"§ 2021. Destruction of or fraudulent acts pertaining to primary election documents; alteration or delay of ballots

A person who falsely makes or willfully defaces or destroys a primary petition, certificate of nomination, or nomination paper or any part thereof, or any letter of assent or of withdrawal, or who files a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal knowing the same or any part thereof to be falsely made, or who suppresses a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal or any part thereof that has been filed, or forges or falsely makes the official endorsement upon a ballot to be used at a primary or at an election or willfully destroys or defaces such a ballot or willfully delays the delivery of such ballots shall be fined \$200.00."

In addition, I am including the typical language included with early/absentee ballots:

Early or Absentee Voter Ballot of: _____
(Print your name)

I swear or affirm, under penalty of perjury, that I am:

1. A legal voter on the voter registration checklist for the Town or City
of: _____
(Town or City where you are registered to vote.)

2. Not registering, requesting a ballot, or voting in any other jurisdiction in the U.S. except in my jurisdiction in Vermont.

In voting, I have marked my ballot in private and have not allowed any person to observe the marking of the ballot, except for those authorized to assist voters under state or Federal law. I have not been influenced.

My signature and date below indicate when I completed this document.

The information on this form is true, accurate, and complete to the best of my knowledge. I understand that a material misstatement of fact in completion of this document may constitute grounds for conviction of perjury.

SIGNATURE: _____ **DATE:** _____

You must complete and sign the certificate above and place your voted ballot into this envelope or your vote will not count!

I hope this helps to answer questions regarding current protections in the law around the early/absentee voting process.