

1 S.348

2 Senator Benning moves that the bill be amended as follows:

3 First: In Sec. 1 (amending 2020 Acts and Resolves No. 92, Sec. 3), by  
4 striking out the subsection (a) introductory paragraph and inserting in lieu  
5 thereof a new subsection (a) introductory paragraph to read:

6 (a) In the year 2020, the Secretary of State is authorized, ~~in consultation~~  
7 ~~and agreement with the Governor,~~ to order or permit, as applicable, appropriate  
8 elections procedures for the purpose of protecting the health, safety, and  
9 welfare of voters, elections workers, and candidates in carrying out elections,  
10 including:

11 Second: In Sec. 1 (amending 2020 Acts and Resolves No. 92, Sec. 3), by  
12 adding a subsection (c) to read:

13 (c) If the Secretary of State orders or permits the mailing of 2020 General  
14 Election ballots to all registered voters pursuant to subsection (a) of this  
15 section, the Secretary shall:

16 (1) inform the Governor as soon as reasonably practicable following the  
17 Secretary's decision to do so; and

18 (2) require the return of those ballots to be in the manner prescribed by  
19 17 V.S.A. § 2543 (return of ballots) as set forth in Sec. 1a of this act, the  
20 provisions of which shall apply to that return.

1        Third: By adding a Sec. 1a to read:

2        Sec. 1a. 17 V.S.A. § 2543 is amended to read:

3        § 2543. RETURN OF BALLOTS

4            (a) After marking the ballots and signing the certificate on the envelope,  
5        the early or absentee voter to whom the same are addressed shall return the  
6        ballots to the clerk of the town in which he or she is a voter, in the manner  
7        prescribed, except that in the case of a voter to whom ballots are delivered by  
8        justices, the ballots shall be returned to the justices calling upon him or her,  
9        and they shall deliver them to the town clerk.

10          (b) Once an early voter absentee ballot has been returned to the clerk in the  
11        envelope with the signed certificate, it shall be stored in a secure place and  
12        shall not be returned to the voter for any reason.

13          (c) If a ballot includes more than one page, the early or absentee voter need  
14        only return the page upon which the voter has marked his or her vote.

15          (d)(1) All early voter absentee ballots returned as follows shall be counted:

16            (A) by any means, to the town clerk's office before the close of  
17        business on the day preceding the election;

18            (B) by mail, to the town clerk's office before the close of the polls on  
19        the day of the election; and

20            (C) by hand delivery to the presiding officer at the voter's polling  
21        place.

1           (2) An early voter absentee ballot returned in a manner other than those  
2 set forth in subdivision (1) of this subsection shall not be counted.

3           (3)(A) An early voter absentee ballot may be returned only by the voter;  
4 the justices of the peace who delivered the ballot, if applicable; or an  
5 authorized family member or caregiver acting in the voter’s behalf.

6           (B)(i) Any person who returns an early voter absentee ballot knowing  
7 the person is without authorization from the voter shall be fined not more than  
8 \$100.00 per violation for the first three violations, not more than \$500.00 per  
9 violation for the fourth through ninth violations, and not more than \$1,000.00  
10 per violation for the tenth and subsequent violations.

11           (ii) The Attorney General or a State’s Attorney, whenever he or  
12 she has reason to believe any person to be or to have been in violation of this  
13 subdivision (3), shall conduct a civil investigation in accordance with the  
14 procedures set forth in section 2904 of this title.

15           (C) As used in this subdivision (3):

16           (i) “Family member” means a voter’s spouse, child, sibling,  
17 parent, spouse’s parent, grandparent, or spouse’s grandparent.

18           (ii) “Caregiver” means an individual providing care, including  
19 medical care, custodial care, personal care, mental health services,  
20 rehabilitative services, or any other kind of care provided that is required  
21 because of the voter’s age or disability.