

P. O. Box 512
Montpelier, Vermont 05601
April 2, 2020

Senate Committee on Government Operations
nominally in the State House; virtually who knows

Re: voting protocol (H.681 procedures)

Dear Committee:

I have concerns about section 3 of H.681. I expressed them to my legislators and they were not addressed.

My first concern The secretary of state and the governor are given authority with no check and balance. I urge that they provide a meaningful process for public input in the creation of these elections procedures.

The bill has no guidance on how to develop the procedures for the voting changes. How will the public be kept informed of proposed changes in the procedures and how will the public be allowed to comment on drafts of any proposed procedures?

As you are aware, you as the Senate have already kept people in the dark as to what is going on. One example has to do with S.316, which was totally changed by an ungermane floor amendment. The journal does not record that any senator who was participating raised that point. S.316 had been in the calendars leading up to the March 24 session as "special immigration juvenile status". According to the journal the bill became "execution of wills during an emergency" as a strike-all. The only way the public knew about that change was by reading the Senate journal afterward.

My second concern is the provisions on permitting municipal clerks to process and begin counting ballots in a 30-day window preceding the day of an election and to extend the time for processing or counting ballots. I don't see a need to begin counting ballots before polls close on election day. The number of ballots will likely be within the range of past experience. If an extension is deemed to be necessary, then the decision should be to extend the time needed to finish counting the ballots and to submit the results.

As you are aware, we already have procedures for partially processing ballots returned early, whether by mail or in person. So that would be done as now. On election day, the officials will not have to check people in or hand out ballots. So that gives them time during the day to open the envelopes and put the ballots into the tabulators or ballot boxes. It seems that they could do this before the close of the polls. Then they would count the ballots as normal after the close of the polls. Yes, I am anticipating a more-or-less normal number of elections officials.

If ballots are partially counted before election day, keeping those partial tallies secret could be difficult. Leaks can occur and with so many voting districts the chance of one leak is not insignificant and could tip the result in the general assembly. On election day, people are checked in, handed a ballot, vote, and place the ballot in the ballot box or tabulator, depending on the location, all during voting hours (except of course for absentee ballots).

A minor question: Because all ballots will be mailed, what responsibility does the municipality have regarding the return postage? Will the postage for the return envelopes be pre-paid? Will the voter have to pay for the return postage?

I hope that you discuss these issues this afternoon.

Sincerely,

Thomas Weiss