

Proposed Change #1: Voter checklist [new bill section]

* * * Voter Checklist * * *

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

§ 2154. STATEWIDE VOTER CHECKLIST

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

- (1) limit 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 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 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; and
- (6) make reasonable efforts to compare the information on the checklist with data or information contained in any State agency's database, a database administered by the federal government, or any database of another state or consortium of states, where possible, in an effort to maintain the accuracy and currency of the checklist.

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Proposed Change #2: Use affidavits to cure certain defects [amend bill sections]

* * * Ballot Processing and Defective Ballot Notification * * *

Sec. 13. 17 V.S.A. § 2546 is amended to read:

§ 2546. ~~DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN~~
~~BALLOT BOX OR VOTE TABULATOR~~ RECEIPT OF BALLOTS
BY CLERK; VOTER STATUS; OPPORTUNITY TO CURE;
PROCESSING ABSENTEE BALLOTS

(a) ~~Not earlier than~~ Beginning 30 days before the opening of the polls on election day, upon receipt of a mailing envelope containing ballots returned by a voter, the town clerk ~~may~~ shall, within three business days or on the next day the office is open for business, whichever is later, direct two election officials working together to do all of the following:

(1) open the ~~outside~~ mailing envelope and sort early voter absentee ballots by ward and district, if necessary; and

(2) determine that the certificate has been ~~properly completed and signed;~~ the voted ballot was placed in the certificate envelope, and the ballot is not defective for any other reason pursuant to section 2547 of this subchapter.

(A) If the ballot is not deemed defective, the clerk shall check the name of the early voter off the entrance checklist and record the ballot as received and accepted in the online election management system, and:

(i) place the certificate envelopes into a secure container marked “checked in early voter absentee ballots” to be transported to the polling places on election day; or

(ii) open the certificate envelope and place the voted ballot in the ballot box or tabulator in accordance with the procedures contained in section 2546a of this subchapter.

(B) If the ballot is deemed defective, the clerk shall:

(i) check the name of the early voter off the entrance checklist and record the ballot as received and defective in the online election management system;

(ii) place the ballot in the defective ballot envelope in accordance with the procedures of subdivisions 2547(b)(1)–(3) of this subchapter;

(iii) not later than the next business day mail a notice, designed and provided by the Secretary of State’s office, to the voter at the address where the ballot was sent informing the voter that their ballot was deemed defective and rejected, the reason it was deemed defective, and the voter’s opportunity to correct the error pursuant to subsection 2547(d) of this subchapter. If the ballot was deemed defective because the voter failed to sign the return certificate or to place the voted ballot in the certificate envelope, the clerk shall include a returnable affidavit, designed and provided by the Secretary of State’s office, with the notice so the voter may cure the deficiency in accordance with subdivision 2547(d)(1)(C).

(b) Beginning five business days preceding the election, the clerk is not required to send a notice to those voters whose ballots have been deemed defective. In these cases, the clerk shall make a reasonable effort to provide notice to the voter as soon as possible using any other contact information that the clerk has on file and shall record the ballot as defective in the online election management system not later than 24 hours after the ballot is deemed defective.

[remainder of section not shown]

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Sec. 16. 17 V.S.A. § 2547 is amended to read:

§ 2547. DEFECTIVE BALLOTS

(a) If upon examination by the election officials it shall appear that any of the following defects is present, either the ballot or the unopened certificate envelope shall be marked “defective” and the ballot shall not be counted:

- (1) the identity of the early or absentee voter cannot be determined;
- (2) the early or absentee voter is not legally qualified to vote;
- (3) the early or absentee voter has voted in person or previously returned a ballot in the same election;
- (4) the certificate is not signed;
- (5) the voted ballot is not in the certificate envelope; or
- (6) in the case of a primary vote, the early or absentee voter has failed to return the unvoted primary ballots.

(b) Each defective ballot or unopened certificate envelope shall be:

- (1) affixed with a note from the presiding officer indicating the reason it was determined to be defective; and
- (2) placed with other such defective ballots in an envelope marked “Defective Ballots - Voter Checked Off Checklist - Do Not Count”; ~~and~~
- ~~(3) returned in that envelope to the town clerk in the manner prescribed by section 2590 of this chapter.~~

S.15 (As Passed by the Senate)

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(c) The provisions of this section shall be indicated prominently in the early or absentee voter material prepared by the Secretary of State.

(d)(1) If a ballot is deemed defective, the voter shall be notified of the defect in accordance with the provisions of subdivision 2546(a)(2)(B) of this subchapter. Upon notification, the voter may cure the defect until the closing of the polls on election day, by:

(A) correcting the defect or submitting a new absentee ballot in person at the clerk's office or at the polling place on election day;

(B) requesting a new ballot be mailed to them by the clerk along with materials for submission of the new ballot, provided the new ballot is received by the presiding officer prior to the closing of the polls; or

(C) for a voter who failed to sign the certificate envelope or failed to place the voted ballot in the certificate envelope, returning the signed affidavit included in the notice under subdivision 2546(a)(2)(B)(iii) either by mail, in person, or electronically, provided the affidavit is received by the presiding officer prior to the closing of the polls.

(2)(A) If a voter corrects the defect in accordance with subdivision (1)(A) or (1)(C) of this subsection (d), the clerk shall update the status of the ballot to "received – accepted" in the online election management system.

(B) If a voter corrects the defect by requesting a new ballot be mailed to them under subdivision (1)(B) of this subsection (d), the clerk shall enter a second absentee ballot request and issue date for that voter in the online election management system.

(3) The same voter may cure a ballot deemed defective not more than twice for any single election.

Proposed Change #3: Ballots for first time voters [amend bill section]

Sec. 8. 17 V.S.A. § 2539 is amended to read:

§ 2539. DELIVERY OF EARLY VOTER ABSENTEE BALLOTS

(a) Default; town office or mail.

(1) Except as provided in subsections (b) and (c) of this section, unless the early or absentee voter votes in the town clerk's office as set forth in section 2537 of this ~~subchapter~~ title, the town clerk shall provide to the early or absentee voter who comes to the town clerk's office a complete set of early voter absentee ballots or mail a complete set of early voter absentee ballots to each early or absentee voter for whom a valid application has been filed.

(2) ~~The~~ Except as provided in subdivision (3) of this subsection, the early voter absentee ballots shall be mailed forthwith upon the filing of a valid application, or upon the town clerk's receipt of the necessary ballots, whichever is later.

(3)(A) For any general election, if a voter transfers his or her registration from another town or city in the state following the mailing of ballots to all active voters by the Secretary of State's office pursuant to section 2537a of this subchapter, before issuing an absentee ballot the clerk shall confirm the status of the ballot that was previously mailed to that voter by the Secretary of State and proceed as follows:

(i) If the voter has voted and returned the ballot issued to the voter by the Secretary of State to the town in which they were previously registered, the voter shall not be issued a ballot nor be allowed to cast another ballot in the same general election and shall be registered following the election.

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(ii) If the voter did not receive or did not return the ballot that was previously sent to the voter by the Secretary of State, the voter may be issued another ballot for the general election if:

(aa) the voter returned the unvoted ballot that was previously issued to the voter; or

(bb) the voter signs an affidavit stating that the voter has not previously cast a ballot in that general election.

(B) If a voter registers to vote for the first time in Vermont following the time when the Secretary of State's office generated the address file to be used for the mailing of ballots to all active voters by the Secretary of State's Office, the clerk shall either issue a ballot to the voter in person at the time of registration or mail a ballot to the voter not later than the next business day.

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Proposed Change #4: Permanent absentee ballot list [new bill section]

* * * Permanent Absentee Ballot List * * *

Sec. X. 17 V.S.A. § 2531 is amended to read:

§ 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

(a) Deadline to file.

(1)(A) A voter who expects to be an early or absentee voter, or an authorized person on behalf of such voter, may apply for an early voter absentee ballot until 5:00 p.m. or the closing of the town clerk's office on the day preceding the election.

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(B) If a town clerk does not have regular office hours on the day before the election and his or her office will not otherwise be open on that day, an application may be filed until the closing of the clerk's office on the last day that office has hours preceding the election.

(2)(A) In cases of emergency, including unanticipated illness or injury, at his or her discretion the town clerk may accept a request for an absentee ballot after the deadline set forth in subdivision (1) of this subsection.

(B) In such cases of emergency, the ballot may be mailed, electronically delivered, or delivered by two justices of the peace as set forth in subsection 2539(b) of this subchapter.

(b) Place of filing.

(1) All applications shall be filed with the town clerk of the town in which the early or absentee voter is registered to vote.

(2) The town clerk shall file written applications and memoranda of verbal applications in his or her office, and shall retain the applications and memoranda for 90 days following the election, at which time they may be destroyed.

(c) Australian ballot. Voting by early voter absentee ballot shall be allowed only in elections using the Australian ballot system.

(d) Permanent absentee ballot list.

(1) The town clerk shall maintain and regularly update a list of qualified voters who have applied to receive absentee ballots for any election in accordance with subsections (a) and (b) of this section.

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(2) A voter who wishes to automatically receive an absentee ballot for each presidential primary and State primary election without making an annual application, may apply to be on the permanent absentee ballot list for those elections by so noting on his or her application for an early absentee ballot filed in accordance with the application requirements in subsections (a) and (b) of this section.

(3) In each presidential primary and State primary election, the Secretary of State's office or town clerk, as applicable, shall mail an absentee ballot to each active voter on the permanent absentee ballot list in accordance with the procedures and deadlines for regular absentee ballots under this chapter.

Proposed Change: 5: Remove Elections position/funding [delete bill section]

Sec. 21. [Deleted.]

Proposed Change 6: Amend bill title

and that after passage the title of the bill be amended to read: "An act relating to mailing out ballots, correcting defective ballots, and miscellaneous changes to State election laws"