

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 15 entitled “An act relating to correcting defective ballots”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Candidate Nicknames * * *

8 Sec. 1. 17 V.S.A. § 2361 is amended to read:

9 § 2361. CONSENT OF CANDIDATE

10 (a) A candidate for whom petitions containing sufficient valid signatures
11 have been filed shall file with the official with whom the petitions were filed a
12 consent to the printing of the candidate’s name on the ballot. The Secretary of
13 State shall prepare and furnish forms for this purpose.

14 (b)(1) The consent shall set forth the name of the candidate, as the
15 candidate wishes to have it printed on the ballot, the candidate’s town of
16 residence, and correct mailing address.

17 (2) If a candidate wishes to use a nickname, the format on the ballot
18 shall be the candidate’s first name, the nickname set off in quotations, and the
19 candidate’s last name.

20 (A) A nickname of one or two words by which the candidate has
21 been commonly known for at least three years preceding the election may be

1 used in combination with a candidate’s name. A nickname that constitutes a
2 slogan or otherwise indicates a political, economic, social, or religious view or
3 affiliation may not be used.

4 (B) A nickname may not be used unless the candidate executes and
5 files with the application for a place on the ballot an affidavit indicating that
6 the nickname complies with this subsection.

7 (3) Professional titles such as “Dr.,” “Esq.,” or “CPA” shall not be used
8 as part of a candidate’s name on the ballot.

9 (c) The consent shall be filed on or before the day petitions are due. Unless
10 a consent is filed, the candidate’s name shall not be printed on the primary
11 ballot.

12 * * * Outdoor and Drive-up Polling Places * * *

13 Sec. 2. 17 V.S.A. § 2502 is amended to read:

14 § 2502. LOCATION OF POLLING PLACES; OUTDOOR POLLING
15 PLACES

16 (a) Each polling place shall be located in a public place within the town.

17 (b) Outdoor polling places. A polling place may be located outdoors if it
18 can be operated in a manner consistent with the provisions of this chapter.

19 (1) The board of civil authority shall designate the outdoor area that
20 comprises the “polling place” for purposes of restrictions and requirements for
21 polling places imposed pursuant to this chapter, including the restrictions on

1 campaigning and other activities within the building containing the polling
2 place described in subdivisions 2508(a)(1)(A) and (B) of this subchapter.

3 (2) An indoor polling place alternative shall be available at or near the
4 same physical location as the outdoor polling place in case of inclement
5 weather. If conditions require use of the indoor alternative, the Secretary of
6 State’s office shall be notified immediately of the change.

7 (3) Candidates and members of the public who would otherwise be
8 allowed to campaign outside an indoor polling place shall be kept a reasonable
9 distance from the outdoor polling place such that any campaigning does not
10 disrupt or interfere in any way with the voting process.

11 (c) Drive-up voting. Voting may be conducted by a drive-through or drive-
12 up voting method at a polling place if the voting process can be operated in a
13 manner consistent with the provisions of this chapter.

14 (1) Drive-up voting procedures shall enable voters to complete the
15 voting process without leaving their vehicle, allowing the voters to deposit
16 their ballots directly into a tabulator or secure ballot box that may be brought
17 to the window of the vehicle or located in such a manner that it can be
18 accessed from the vehicle or providing voters an envelope or folder in which to
19 place their voted ballots before handing it to an election official for processing.

20 (2) Polling places conducting drive-up voting shall also accommodate
21 walk-in voters and those using other forms of transport.

1 (d) Ballot transfer. If a polling place is outside or if voting is conducted by
2 a drive-up method, ballots may be periodically transferred from a secure
3 outdoor or drive-up ballot box to another secure container for counting after
4 the close of the polls or to election officials who are processing ballots through
5 the tabulator. Any such transfer shall be done in the presence of two election
6 officials, if possible officials of different parties.

7 ~~(b)~~(e) The Access. The accessible voting system shall be available for
8 those who request it. Additionally, the board of civil authority shall take such
9 measures as are necessary to assure ensure that voters who are elders or have a
10 disability may conveniently and secretly cast their votes. Measures that may
11 be taken shall include: location of polling places on the ground floor of a
12 building; providing ramps, elevators, or other facilities for access to the polling
13 place; providing a stencil overlay for ballots; providing a separate polling place
14 with direct communication to the main polling place; and permitting election
15 officials to carry a ballot to an elder or to a person who has a disability in order
16 to permit that person to mark the ballot while in a motor vehicle adjacent to the
17 polling place. For purposes of this subsection, the board of civil authority shall
18 have full jurisdiction on the day of an election over the premises at which a
19 polling place is located.

20 ~~(e)~~(f) Polling place designation.

1 (1) Thirty days prior to a local, primary, or general election, the town
2 clerk shall submit to the Secretary of State a list of polling places within the
3 municipality that will be used in that election. The list shall include the name
4 of the polling location, its physical address, and the time the polling place will
5 open.

6 (2)(A) A municipality may change the location of a polling place less
7 than 30 days prior to an election only in cases of emergency. If a municipality
8 changes the location of a polling place less than 30 days prior to the election,
9 the town clerk shall notify the Secretary of State within 24 hours of the change
10 and provide the new polling place information.

11 (B) The Secretary of State shall assist any municipality that needs to
12 change the location of a polling place on the day of an election due to an
13 emergency, including assisting in finding a new location and informing the
14 public of that new location.

15 (C) The Secretary of State shall inform the State chairs of Vermont's
16 major political parties of any changes made to polling places that he or she is
17 aware of made less than 30 days prior to an election.

18 (3) The Secretary of State shall provide on his or her official website a
19 list of polling places that will be used in any local, primary, or general election
20 within the State, and shall specifically provide notice on that website of any
21 change in the location of a municipality's polling place.

1 * * * Ballot Mailing for Local Elections * * *

2 Sec. 3. 17 V.S.A. § 2680 is amended to read:

3 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

4 (a) Application. Unless specifically required by statute, the provisions of
5 the Australian ballot system shall not apply to the annual or special meeting of
6 a municipality unless that municipality, at its annual meeting or at a special
7 meeting called for that purpose, votes to have them apply.

8 * * *

9 (f) Presiding officer. The presiding officer for any election or part of an
10 election using the Australian ballot system shall be the town clerk or as
11 otherwise provided in section 2452 of this title.

12 (g) Early and absentee voting. At the time the Australian ballots are
13 available, which shall be not less than 20 days before the election, early and
14 absentee voting shall be permitted in accordance with chapter 51, subchapter 6
15 of this title.

16 (1) The legislative body of a town, city, or village may vote to mail a
17 ballot to all active registered voters in the town, city, or village.

18 (2) A school board may, after receiving the approval of the legislative
19 body of each member town in the district, vote to mail its annual meeting
20 ballot to all active registered voters in the district. In such case, the town clerk
21 and election officials in the member towns shall be responsible for the mailing

1 of the ballots but all costs associated with the mailing of ballots shall be borne
2 by the school district.

3 (3) Ballots shall be mailed not less than 20 days before the election, or
4 as soon as they are available.

5 (4) The mailing of ballots shall be conducted to the extent practicable in
6 accordance with chapter 51, subchapter 6 of this title.

7 ~~(g)~~(h) Hearing.

8 (1) Whenever a municipality has voted to adopt the Australian ballot
9 system of voting on any public question or budget, except the budget revote as
10 provided in subsection (c) of this section, the legislative body shall hold a
11 public informational hearing on the question by posting warnings at least 10
12 days in advance of the hearing in at least two public places within the
13 municipality and in the town clerk's office.

14 * * *

15 * * * Ballot Mailing for Statewide Elections * * *

16 Sec. 4. 17 V.S.A. § 2532 is amended to read:

17 § 2532. AUTHORIZED APPLICANTS; APPLICATION FORM;

18 DUPLICATES

19 * * *

20 (e) Duplicate early voter absentee ballots.

1 (1)(A) The town clerk may, upon application, issue a duplicate early
2 voter absentee ballot if the original ballot is lost or not received by the voter
3 within a reasonable period of time after ~~mailing~~ it is mailed to the voter by the
4 town clerk or by the Secretary of State’s office pursuant to section 2537a of
5 this subchapter.

6 (B) The application may be made by a person entitled to apply for an
7 early voter absentee ballot under subsection (a) of this section and shall be
8 accompanied by a sworn statement affirming that the voter has not received the
9 original ballot.

10 (2) If a duplicate early voter absentee ballot is issued and both the
11 duplicate and original early voter absentee ballots are received before the close
12 of the polls on election day, the ballot ~~with the earlier postmark~~ that is received
13 first by the town clerk shall be counted and the Elections Division of the
14 Secretary of State’s office shall be notified.

15 * * *

16 Sec. 5. 17 V.S.A. § 2536 is amended to read:

17 § 2536. FURNISHING EARLY VOTER ABSENTEE BALLOT

18 ENVELOPES

19 Upon request, for any statewide primary, presidential primary, or general
20 election, the Secretary of State shall furnish the envelopes prescribed in
21 sections 2535 and 2542 of this title to town clerks in such numbers as they

1 request. The cost of absentee ballot envelopes for local elections shall be
2 borne by the municipality.

3 Sec. 6. 17 V.S.A. § 2537 is amended to read:

4 § 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK'S
5 OFFICE

6 (a)(1) A voter may, if he or she chooses, apply in person to the town clerk
7 for the early voter absentee ballots and envelopes.

8 (2) In this case, the clerk shall furnish the early voter absentee ballots
9 and envelopes when a valid application has been made, or at such time as the
10 clerk receives the ballots, whichever comes first.

11 (3) The voter may:

12 (A) mark his or her ballots, place them in the envelope, sign the
13 certificate, and return the ballots in the envelope containing the certificate to
14 the town clerk or an assistant town clerk without leaving the office of the town
15 clerk; ~~or~~

16 (B) take the ballots and return them to the town clerk in the same
17 manner as if the ballots had been received by mail; or

18 (C) if the board of civil authority has voted to allow it pursuant to
19 section 2546b of this subchapter, mark the ballots and deposit them directly
20 into the vote tabulator or ballot box in accordance with section 2546b of this
21 subchapter.

1 (b) Except for justices of the peace as provided in section 2538 of this
2 subchapter, a person shall not take any ballot from the town clerk on behalf of
3 any other person.

4 Sec. 7. 17 V.S.A. § 2537a is added to read:

5 § 2537a. MAILING OF GENERAL ELECTION BALLOTS

6 (a) For every general election, the Secretary of State’s office shall mail a
7 general election ballot to all active voters on the statewide voter checklist
8 described in section 2154 of this title.

9 (1) The mailing of the ballots shall commence not later than 43 days
10 before the election and shall be completed not later than October 1.

11 (2) A postage-paid return envelope, pre-addressed to the town or city
12 clerk of the town or city where the voter is registered to vote, shall be included
13 with the ballot sent to every voter in which the ballot may be mailed back to
14 the clerk. All postage cost shall be paid by the Secretary of State’s office.

15 (3) The address file to be used for the mailing shall be generated from
16 the statewide voter checklist as close as practicable to the date of the mailing
17 and in no case earlier than September 1.

18 (4) The Secretary of State’s office shall include in the mailing to each
19 voter instructions for return of the voted ballot.

20 (b) General election ballots mailed by the Secretary of State’s office under
21 this section shall be returned by the voter to the town or city clerk in the town

1 or city where that voter is registered in accordance with the procedures for
2 return of ballots described in this subchapter.

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

4 § 2539. DELIVERY OF EARLY VOTER ABSENTEE BALLOTS

5 (a) Default; town office or mail.

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

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

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

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

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

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

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

13 (B) If a voter registers to vote for the first time in Vermont following
14 the time when the Secretary of State’s office generated the address file to be
15 used for the mailing of ballots to all active voters by the Secretary of State’s
16 **office, the clerk shall either issue a ballot to the voter in person at the time of**
17 **registration or mail a ballot to the voter within three business days, provided**
18 **the voter’s registration does not occur within five days of the election. If the**
19 **clerk does not have ballots available at the time of registration, the clerk shall**
20 **mail a ballot to the voter within three business days after obtaining ballots.**

21 * * *

1 Sec. 9. 17 V.S.A. § 2540 is amended to read:

2 § 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

3 (a) The town clerk shall send with all early voter absentee ballots and
4 envelopes printed instructions, which may be included on the envelope, in
5 ~~substantially the following form:~~ a form prescribed by the Secretary of State's
6 office.

7 ~~INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS~~

8 ~~1. Mark the ballots.~~

9 ~~2. Place them in this envelope.~~

10 ~~3. Fill out and sign the certificate on the envelope.~~

11 ~~4. Mail or deliver the envelope containing the ballots to the town clerk of the~~
12 ~~town where you are a registered voter in time to arrive not later than election~~
13 ~~day.~~

14 ~~Note: If these ballots have been brought to you personally by two~~
15 ~~justices of the peace because of your illness, injury, or disability, just return~~
16 ~~them to the justices after you have signed the envelope. YOU HAVE THE~~
17 ~~RIGHT TO MARK YOUR BALLOTS IN PRIVATE — but if you ask for~~
18 ~~help in filling out the ballots, they will give it to you.~~

19 ~~BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS~~

20 ~~ENVELOPE OR YOUR VOTE WILL NOT COUNT!~~

1 ~~(b) In the case of early absentee voting in a primary, the instructions shall~~
2 ~~also include appropriate instructions prepared by the Secretary of State for~~
3 ~~separating and depositing unvoted ballots in a separate envelope provided and~~
4 ~~clearly marked for that purpose.~~

5 * * * Ballot Curing; Secure Drop Boxes * * *

6 Sec. 10. 17 V.S.A. § 2543 is amended to read:

7 § 2543. RETURN OF BALLOTS

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

14 (b) Once an early voter absentee ballot has been returned to the clerk in the
15 envelope with the signed certificate, it shall be stored in a secure place and
16 shall not be returned to the voter for any reason unless the ballot is deemed
17 defective under subdivision 2546(a)(2) of this subchapter and the voter
18 chooses to cure the defect and cast the ballot pursuant to subsection 2547(d) of
19 this subchapter.

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

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

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

4 (B) to any secure ballot drop box provided by the town or city in
5 which the voter is registered pursuant to section 2543a of this subchapter
6 before the close of business on the day before the election;

7 ~~(B)(C)~~ by mail, to the town clerk's office before the close of the polls
8 on the day of the election; and

9 ~~(C)(D)~~ by hand delivery to the presiding officer at the voter's polling
10 place before the closing of the polls at 7:00 p.m.

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

13 (e) A candidate whose name appears on the ballot for that election, or a
14 paid campaign staff member of any such candidate, may not return a ballot to
15 the town clerk or to a secure ballot drop box, unless that candidate or paid
16 campaign staff member:

17 (1) is returning the candidate's or paid campaign staff member's own
18 ballot;

19 (2) is returning the ballot of an immediate family member, as defined in
20 section 2532 of this title, including a person's spouse, children, brothers,
21 sisters, parents, spouse's parents, grandparents, and spouse's grandparents,

1 who has requested the candidate's or paid campaign staff member's assistance
2 with the return of that ballot;

3 (3) is returning the ballot of a voter for whom the candidate or paid
4 campaign staff member is a caretaker, and who has requested the candidate or
5 paid campaign staff member's assistance with the return of that ballot; or

6 (4) is a justice of the peace performing his or her official duties pursuant
7 to section 2538 of this title.

8 (f) No individual may return more than 25 ballots to the town clerk or to a
9 secure ballot drop box unless the individual is a justice of the peace performing
10 his or her official duties pursuant to section 2538 of this title.

11 (g) The clerk or other local election official accepting the return of ballots
12 shall not be required to enforce the provisions of subsections (e) and (f) of this
13 section but shall report any suspected violations to the Secretary of State's
14 office, who shall refer them to the Attorney General's office for investigation.
15 Individuals violating this section may be subject to penalties pursuant to
16 section 2017 of this title.

17 Sec. 11. 17 V.S.A. § 2543a is added to read:

18 § 2543a. PROVISION OF SECURE BALLOT DROP BOXES

19 (a) A board of civil authority may vote to install one or more secure
20 outdoor ballot drop boxes (drop boxes) for the return of voted ballots.

1 (b) Drop boxes shall be located on municipal property. If a town has only
2 one drop box, it shall be located on the property of the municipal clerk’s office.

3 (c) Drop boxes shall allow for the return of ballots by voters at any time of
4 day and must be available for the return of ballots not later than 43 days before
5 the election.

6 (d) Drop boxes shall be installed and maintained in accordance with
7 guidance issued by the Secretary of State’s office. At a minimum, drop boxes
8 shall:

9 (1) be affixed to a foundation or other immovable object such that they
10 cannot be removed without being tampered with;

11 (2) be under 24-hour video surveillance or in the alternative be within
12 sight of the municipal building;

13 (3) be constructed in such a manner that it is impossible to remove the
14 ballots without the ballot box being tampered with; and

15 (4) be able to be closed such that ballots may not be deposited once the
16 deadline for deposit has passed.

17 (e) Ballots may be deposited in the drop boxes until the close of business
18 on the day before the election. At that time, the drop box shall be closed and
19 instructions affixed to the drop box instructing the voter to return the voter’s
20 voted ballot to the polling place on the day of the election.

1 (f) The Secretary of State’s office shall provide drop boxes to a town or
2 city upon request following a vote of the board of civil authority. The
3 maximum number of drop boxes that the Secretary of State’s office shall
4 provide in any town or city shall be as follows:

5 (1) up to 5,000 registered voters, one;

6 (2) between 5,000 and 10,000 registered voters, two;

7 (3) between 10,000 and 15,000 registered voters, three;

8 (4) between 15,000 and 20,000 registered voters, four; and

9 (5) over 20,000 registered voters, five.

10 (6) A town or city may have a number of secure drop boxes equal to the
11 number of representative districts in that town or city, with one drop box
12 located in each district, if that number is greater than the number allowed
13 based on that town or city’s number of registered voters in subdivisions (1)–(5)
14 of this subsection. If there is not suitable municipal property for the location of
15 a secure drop box in the area covered by a certain district in the town or city,
16 an alternative location may be used with the approval of the Secretary of
17 State’s office.

18 Sec. 12. REPEALS

19 17 V.S.A. § 2545 (receipt of marked ballots by town clerk; delivery to
20 election officers) is repealed.

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

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

3 § 2546. ~~DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN~~
4 ~~BALLOT BOX OR VOTE TABULATOR~~ RECEIPT OF BALLOTS
5 BY CLERK; VOTER STATUS; OPPORTUNITY TO CURE;
6 PROCESSING ABSENTEE BALLOTS

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

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

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

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

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

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

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

8 (i) Check the name of the early voter off the entrance checklist
9 and record the ballot as received and defective in the online election
10 management system.

11 (ii) Place the ballot in the defective ballot envelope in accordance
12 with the procedures of subdivisions 2547(b)(1)–(3) of this subchapter.

13 (iii) Not later than the next business day transmit a notice, with
14 information required by the Secretary of State’s office, to the voter informing
15 the voter that the voter’s ballot was deemed defective and rejected, the reason
16 it was deemed defective, and the voter’s opportunity to correct the error
17 pursuant to subsection 2547(d) of this subchapter. If the ballot was deemed
18 defective because the voter failed to sign the return certificate, to place the
19 voted ballot in the certificate envelope, or did not return their unvoted primary
20 ballots in the unvoted ballot envelope, the clerk shall include a returnable
21 affidavit, designed and provided by the Secretary of State’s office, with the

1 notice so the voter may cure the deficiency in accordance with subdivision
2 2547(d)(1)(C) of this subchapter.

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

10 ~~(3) check the name of the early voter off the entrance checklist; and~~
11 ~~(4) place the certificate envelopes into a secure container marked~~
12 ~~“checked in early voter absentee ballots” to be transported to the polling places~~
13 ~~on election day.~~

14 ~~(b)(c) The Processing~~ absentee ballots on election day. If the certificate
15 envelopes have not been opened and the voted ballots placed in the ballot box
16 or tabulator, the town clerk or presiding officer shall deliver the unopened
17 early voter absentee ballots to the election officials at the place where the
18 entrance checklist is located. ~~Upon the opening of the polls~~ During the polling
19 hours on election day;

20 ~~(1) If the ballots are in a , at the direction of the presiding officer, at~~
21 least two election officials shall open the container marked “checked in early

1 voter absentee ballots,” one election official shall open the certificate
2 envelopes, turn the certificate side face down, and hand the envelope face
3 down to a second election official, if possible from a different political party,
4 who shall remove the ballots from the envelopes and deposit them in the ballot
5 box or vote tabulator. If the early voter is a first-time voter who registered by
6 mail or online, and if the proper identification has not been submitted before
7 the closing of the polls, the ballot shall be treated as a provisional ballot, as
8 provided in subchapter 6A of this chapter.

9 ~~(2) If the ballots have not been previously checked off the entrance~~
10 ~~checklist and if two election officials, from different political parties,~~
11 ~~determine that the certificate on the envelope is properly completed and signed~~
12 ~~by the early voter, the name of the early voter appears on the checklist, and the~~
13 ~~early voter is not a first time voter in the municipality who registered by mail~~
14 ~~and is marked on the checklist as requiring additional documentation, the~~
15 ~~election officials shall mark the checklist, open the certificate envelope, turn~~
16 ~~the certificate side face down, and hand the envelope face down to a third~~
17 ~~election official who shall remove the ballots from the envelopes and deposit~~
18 ~~the ballots in the ballot box or vote tabulator.~~

19 ~~(3)(A) If the early voter is a first time voter who registered by mail or~~
20 ~~online, two election officials from different political parties shall determine~~
21 ~~whether the identification required under subdivision 2563(1) of this title has~~

1 ~~been submitted by the voter. Upon ascertaining that the proper identification~~
2 ~~has been submitted by the voter, the election officials shall mark the checklist,~~
3 ~~open the certificate envelope, turn the certificate side face down, and hand the~~
4 ~~envelope face down to a third election official who shall remove the ballots~~
5 ~~from the envelopes and deposit the ballot in the ballot box or vote tabulator.~~

6 ~~(B) If the proper identification has not been submitted, the ballot~~
7 ~~shall be treated as a provisional ballot, as provided in subchapter 6A of this~~
8 ~~chapter.~~

9 ~~(e)(d)~~ All early voter absentee ballots shall be commingled with the ballots
10 of voters who have voted in person.

11 Sec. 14. 17 V.S.A. § 2546a is amended to read:

12 § 2546a. ~~DAY PRECEDING ELECTION;~~ DEPOSIT OF EARLY VOTER
13 ABSENTEE BALLOTS IN VOTE TABULATOR

14 (a) Generally. Notwithstanding any provision of law to the contrary, ~~if a~~
15 ~~town will be using a vote tabulator for the registering and counting of votes in~~
16 ~~the upcoming election and will check in early voter absentee ballots in~~
17 ~~accordance with subsection 2546(a) of this chapter for that election,~~ the board
18 of civil authority may vote to permit elections officials to deposit ~~those~~ early
19 voter absentee ballots that have been processed in accordance with subsection
20 2546(a) of this subchapter and have not been deemed defective into the vote
21 tabulator or ballot box in accordance with the provisions of this section and

1 any guidance issued by the Secretary of State. ~~This~~ Any such depositing of
2 ~~these~~ ballots shall take place at the town clerk's office ~~on the day~~ during the
3 30 days preceding the election.

4 (b) Notice.

5 (1) If a board of civil authority votes to deposit ballots as described in
6 subsection (a) of this section, ~~the town clerk shall post notice that ballots will~~
7 ~~be so deposited in at least two public places in the municipality and in or near~~
8 ~~the town clerk's office not less than 30 nor more than 40 days before the~~
9 ~~election. If a municipality has more than one polling place and the polling~~
10 ~~places are not all in the same building, the notice shall be posted in at least two~~
11 ~~public places within each voting district and in or near the town clerk's office.~~
12 the process shall be conducted during normal business hours if practicable or,
13 if conducting the process at a time other than normal business hours, notice of
14 the date(s), time(s), and location of the processing shall be posted at the clerk's
15 office and two other public places at least three days in advance.

16 (2) ~~In addition, at least five days before the day preceding the election,~~
17 ~~the notice shall be published in a newspaper of general circulation in the~~
18 ~~municipality and on the municipality's website, if the municipality actively~~
19 ~~updates its website on a regular basis.~~

20 (3) ~~The notice shall include the date and time for the count, inspection,~~
21 ~~and depositing of the ballots and the location of the town clerk's office.~~

1 (c) Officials. The town clerk and at least two other election officials, from
2 different political parties to the extent practicable, shall be present for the
3 inspection of the sealed certificate envelopes and the processing of the ballots
4 described in this section.

5 ~~(d) Count and inspection.~~

6 ~~(1) On the day preceding the election, at least one hour prior to~~
7 ~~depositing the ballots in the vote tabulator, the town clerk and the election~~
8 ~~officials shall:~~

9 ~~(A) first open the secure container marked “checked in early voter~~
10 ~~absentee ballots,” count the certificate envelopes containing those ballots, and~~
11 ~~record the number counted; and~~

12 ~~(B) permit these certificate envelopes to be inspected by members of~~
13 ~~the public.~~

14 ~~(2) Any early voter absentee ballot that is returned after the expiration of~~
15 ~~the period for the count and inspection shall be processed on the day of the~~
16 ~~election in accordance with section 2546 of this subchapter.~~

17 ~~(e) Processing.~~

18 ~~(1) Immediately after the expiration of the period for the count and~~
19 ~~inspection described in subsection (d) of this section, the town clerk and~~
20 ~~election officials shall open each certificate envelope containing an early voter~~

1 ~~absentee ballot that was counted under subdivision (d)(1) of this section and~~
2 ~~deposit each ballot into a vote tabulator.~~

3 ~~(2) The town clerk and the election officials shall ensure that all~~
4 ~~procedures for handling ballots are followed to the fullest extent practicable.~~

5 ~~(3) At the end of the processing, the town clerk shall verify that the vote~~
6 ~~tabulator's memory card is locked in place and shall sign a statement verifying~~
7 ~~how many early voter absentee ballots were counted by the vote tabulator and~~
8 ~~that the memory card is so locked. The town clerk shall compare the vote~~
9 ~~tabulator's number of counted ballots to the original count of those ballots~~
10 ~~described in subdivision (d)(1) of this section.~~

11 ~~(f) Security. The town clerk shall otherwise comply with all provisions of~~
12 ~~this title relating to the security of the vote tabulator.~~

13 ~~(g) Election day. On the day of the election, when the vote tabulator is~~
14 ~~turned on at the polling place, the town clerk shall verify that the number of~~
15 ~~ballots that the vote tabulator displays as having been counted matches the~~
16 ~~number that the town clerk verified the tabulator counted on the preceding day.~~

17 (d) Processing. The Secretary of State's office shall issue detailed
18 procedures for conducting the processing of early ballots into the vote tabulator
19 or ballot box pursuant to this section. A town or city shall follow the
20 procedures issued by the Secretary of State's office for this purpose.

1 ~~(h)~~(e) Rules. The Secretary of State may adopt rules to implement the
2 provisions of this section.

3 Sec. 15. 17 V.S.A. § 2546b is amended to read:

4 § 2546b. EARLY VOTING IN TOWN CLERK’S OFFICE; DEPOSIT INTO
5 VOTE TABULATOR

6 (a)(1) A board of civil authority may vote to permit its town’s registered
7 early or absentee voters to vote in the town clerk’s office in the same manner
8 as those voting on election day by marking their early voter absentee ballots
9 and depositing them into a vote tabulator or secure ballot box.

10 (2) If a board of civil authority votes to permit early voting as described
11 in subdivision (1) of this subsection, the town’s process for conducting this
12 early voting shall conform to the provisions of this section and to procedures
13 that the Secretary of State shall adopt for this purpose.

14 (b)(1) During business hours in the town clerk’s office, the secure ballot
15 box or vote tabulator and ballot bin shall be in a secured area accessible only to
16 election officials and voters. The vote tabulator unit shall be secured with an
17 identifiable seal and the ballot box containing voted ballots shall remain locked
18 at all times and secured with an identifiable seal. Neither seal shall be broken
19 prior to the time of closing the polls on election day.

1 (2) Once early voting has commenced in the town clerk’s office, the
2 town clerk or designee shall certify each day in a record prepared for this
3 purpose that the seals on the vote tabulator and secure ballot box are intact.

4 (3) When an election official is not present or at times other than
5 business hours, the secure ballot box or sealed vote tabulator and ~~ballot box~~ bin
6 shall be secured in the town clerk’s office vault.

7 (4) The town clerk shall maintain a record of each early or absentee
8 voter who voted in person in accordance with this section and shall mark these
9 voters as having voted early in the clerk’s office in the online election
10 management system.

11 (c) On the day of the election:

12 (1) The secure ballot box or sealed vote tabulator and ~~sealed ballot~~
13 ~~boxes~~ ballot bin shall be transferred to the polling place on election day by two
14 election officials and shall not be opened until the polls have closed on election
15 day.

16 (2) When the vote tabulator is turned on at the polling place, the town
17 clerk shall verify that the number of ballots that the vote tabulator displays as
18 having been counted matches the number of voters who deposited their early
19 voter absentee ballots in the vote tabulator in accordance with this section and
20 any early voter absentee ballots that were processed and deposited in the vote
21 tabulator under section 2546a of this subchapter.

1 (3) All early voter absentee ballots shall be commingled with those
2 voted at the polls on election day prior to being examined for the purpose of
3 identifying write-in votes.

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

5 § 2547. DEFECTIVE BALLOTS

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

9 (1) the identity of the early or absentee voter cannot be determined;

10 (2) the early or absentee voter is not legally qualified to vote;

11 (3) the early or absentee voter has voted in person or previously returned
12 a ballot in the same election;

13 (4) the certificate is not signed;

14 (5) the voted ballot is not in the certificate envelope; or

15 (6) in the case of a primary vote, the early or absentee voter has failed to
16 return the unvoted primary ballots.

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

18 (1) affixed with a note from the presiding officer indicating the reason it
19 was determined to be defective; and

20 (2) placed with other such defective ballots in an envelope marked
21 “Defective Ballots - Voter Checked Off Checklist - Do Not Count”;~~and~~

1 ~~(3) returned in that envelope to the town clerk in the manner prescribed~~
2 ~~by section 2590 of this chapter.~~

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

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

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

11 (B) requesting a new ballot be mailed to them by the clerk along with
12 materials for submission of the new ballot, provided the new ballot is received
13 by the presiding officer or other sworn election official prior to the closing of
14 the polls; or

15 (C) for a voter who failed to sign the certificate envelope, failed to
16 place the voted ballot in the certificate envelope, or did not return their unvoted
17 primary ballots in the unvoted ballot envelope, returning the signed affidavit
18 included in the notice under subdivision 2546(a)(2)(B)(iii) of this subchapter
19 either by mail, in person, or electronically, provided the affidavit is received by
20 the presiding officer or other sworn election official prior to the closing of the
21 polls.

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

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

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

10 * * * Voting Early at Clerk’s Office * * *

11 Sec. 17. 17 V.S.A. § 2548 is amended to read:

12 § 2548. VOTING IN PERSON

13 (a) Prior to the opening of the polls, the municipal clerk shall provide the
14 election officials of each polling place with a list of the names of all persons
15 who have voted early in the clerk’s office or marked and returned early voter
16 absentee ballots, and these persons shall not thereafter vote in person in the
17 same election.

18 (b)(1) ~~A person who in good faith has received early voter absentee ballots~~
19 ~~for his or her use but has not yet marked them, if he or she is able to vote in~~
20 ~~person, may cast the early voter absentee ballots as provided above, or may~~
21 ~~vote in person after returning the complete set of unmarked ballots, together~~

1 ~~with the envelope intended for their return, to the presiding officer at the time~~
2 ~~the voter appears to vote in person.~~

3 ~~(2) If a person does not have his or her absentee ballots to return, the~~
4 ~~person shall be checked off the checklist and permitted to vote only after~~
5 ~~completing a sworn affidavit that he or she does not have his or her absentee~~
6 ~~ballots to return.~~

7 ~~(3) The presiding officer shall return the unused early voter absentee~~
8 ~~ballots and envelope to the town clerk, who shall make a record of their return~~
9 ~~on the list of early or absentee voters and treat them as replaced ballots,~~
10 ~~pursuant to section 2568 of this title. A voter who has been issued an early~~
11 ~~ballot, either by the Secretary of State's office pursuant to section 2537a of this~~
12 ~~subchapter, or otherwise by the town clerk, but who has not returned **the**~~
13 ~~**voter's** voted ballot to the clerk, may vote in person at the polling place on~~
14 ~~election day.~~

15 ~~(2) If the voter brings **the voter's** marked ballot enclosed in the signed~~
16 ~~certificate envelope, the voter may submit that certificate envelope containing~~
17 ~~the voted ballot to the entrance checklist official for processing along with any~~
18 ~~other early or absentee ballots. The voter shall be marked off the checklist and~~
19 ~~the clerk shall record the voter as having returned the absentee ballot on~~
20 ~~election day in the online election management system.~~

1 (3) If the voter brings the marked ballot, but it is not enclosed in the
2 certificate envelope, the voter shall be marked off the checklist and be allowed
3 to cast that ballot into the secure ballot box or tabulator in the same manner as
4 other voters who are voting in the polling place. The clerk shall record any
5 such voter as having voted in person on election day in the online election
6 management system.

7 (4) If the voter brings the unmarked ballot, the voter shall be marked off
8 the checklist and allowed to proceed to a voting booth to mark that ballot and
9 cast it into the ballot box or tabulator in the same manner as other voters who
10 are voting in the polling place. The presiding officer may choose to provide
11 any such voter with a new ballot in exchange for the unvoted ballot that the
12 voter brought to the polls. The clerk shall record any such voter as having
13 voted in person on election day in the online election management system.

14 (5) If the voter does not bring a marked or an unmarked ballot with them
15 to the polls, the voter shall be required to sign an affidavit that the voter has not
16 previously cast a ballot in the election, and only then shall they be checked off
17 the checklist and allowed to vote in the same manner as all other voters who
18 are voting at the polling place. The clerk shall record any such voter as having
19 voted in person on election day in the online election management system.
20 Any affidavits signed by voters at the polling place pursuant to this section
21 shall be retained for a period of 90 days following the election.

1 Sec. 18. 17 V.S.A. § 2565 is amended to read:

2 § 2565. DELIVERY OF BALLOTS

3 ~~As~~ Except as otherwise provided in subsection 2548(b) of this title, as each
4 voter passes through the entrance of the guardrail, an election official or
5 officials shall hand him or her one of each kind of ballot. The election officials
6 shall also answer any questions a voter may ask concerning the process of
7 voting. The presiding officer shall keep the election officials in charge of
8 furnishing ballots to voters supplied with a sufficient number of blank ballots,
9 keeping the remainder of the blank ballots safely secured until needed.

10 Sec. 19. 17 V.S.A. § 2566 is amended to read:

11 § 2566. MARKING BALLOTS

12 ~~On~~ Except as provided in subdivision 2548(b)(2) of this title, on receiving
13 his or her ballots, the voter shall forthwith, and without leaving the polling
14 place or going outside the guardrail, proceed to one of the booths not occupied
15 by any other person and vote by filling in the appropriate square or oval
16 opposite the name of the candidate of his or her choice for each office, or by
17 writing in the name of the candidate of his or her choice in the blank space
18 provided and filling in the square or oval to the right of that blank space.

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***** Reports *****

Sec. 20. LANGUAGE ACCESS; REPORT

The Secretary of State’s office shall consult with municipalities and interested stakeholders on best practices for increasing access to voting for non-English-speaking Vermonters and Vermonters with limited English proficiency and provide recommendations to the Senate and House Committees on Government Operations on or before January 15, 2022.

Sec. 21. [Deleted.]

Sec. 21a. VOTING ACCESS **AND VERIFICATION**; REPORT

On or before January 30, 2023, the Secretary of State’s office shall submit a written report to the House and Senate Committees on Government Operations with its findings and any recommendations for legislative action on:

(1) issues related to implementing universal vote by mail for municipal and primary elections; and

(2) the impact expanding vote by mail would have on:

(A) access to voting among those who have historically been disenfranchised and populations that have historically had low voter turnout;

(B) public satisfaction with the voting process;

(C) the administration of elections; and

(3) implementing a voter verification system in Vermont that will not disenfranchise voters and that will verify that ballots have been voted by

1 registered voters, including a report back on the time, training and cost
2 involved in implementing the system or systems.

3 * * * Voter Checklist * * *

4 Sec. 22. 17 V.S.A. § 2154 is amended to read:

5 § 2154. STATEWIDE VOTER CHECKLIST

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

10 (1) limit a town clerk to adding, modifying, or deleting applicant and
11 voter information on the portion of the checklist for that clerk's municipality;

12 (2) limit access to the statewide voter checklist for a local elections
13 official to verifying whether the applicant is registered in another municipality
14 in the State by a search for the individual voter;

15 (3) notify a local elections official when a voter registered in that
16 official's district registers in another voting district so that the voter may be
17 removed from that official's district checklist;

18 (4) provide adequate security to prevent unauthorized access to the
19 checklist; ~~and~~

- 1 (5) ensure the compatibility and comparability of information on the
 2 checklist with information contained in the Department of Motor Vehicles'
 3 computer systems; and
- 4 (6) make reasonable efforts on an ongoing basis to compare the
 5 information on the checklist with data or information contained in any State
 6 agency's database, a database administered by the federal government, or any
 7 database of another state or consortium of states, where possible, in an effort to
 8 maintain the accuracy and currency of the checklist.

* * *

* * * Effective Date * * *

11 Sec. 23. EFFECTIVE DATE

12 This act shall take effect on passage.

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

18 (Committee vote: _____)

19 _____

20 Representative _____

21 FOR THE COMMITTEE