

1 S.15

2 Introduced by Senators Hooker and Sirotkin

3 Referred to Committee on

4 Date:

5 Subject: Elections; early voter absentee ballots; defective ballots; opportunity
6 to correct

7 Statement of purpose of bill as introduced: This bill proposes to allow an early
8 or absentee voter to correct certain defects in the voter's early voter absentee
9 ballot.

10 An act relating to correcting defective ballots

11 It is hereby enacted by the General Assembly of the State of Vermont:

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

13 § 2543. RETURN OF BALLOTS

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

1 (b) Once an early voter absentee ballot has been returned to the clerk in the
2 envelope with the signed certificate, it shall be stored in a secure place and
3 shall not be returned to the voter for any reason unless it is for the purpose of
4 allowing the voter to correct an otherwise defective ballot as authorized under
5 section 2547 of this chapter.

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

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

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

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

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

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

17 Sec. 2. 17 V.S.A. § 2547 is amended to read:

18 § 2547. DEFECTIVE BALLOTS

19 (a) ~~If~~ Except for ballots authorized to be corrected under subsection (b) of
20 this section, if upon examination by the election officials it shall appear that
21 any of the following defects is present, either the ballot or the unopened

1 certificate envelope shall be marked “defective” and the ballot shall not be
2 counted:

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

11 (b)(1) If the election officials determine that an early voter absentee ballot
12 would be defective under any of the provisions of subdivisions (4)–(6) of
13 subsection (a) of this section, those election officials shall make every
14 reasonable effort during normal business hours to contact the early or absentee
15 voter in order to allow the voter to correct the defect.

16 (2) The early or absentee voter may correct the defect and return the
17 ballot in accordance with the manner of returning an early voter absentee ballot
18 set forth in subsection 2543(d) of this chapter, as applicable.

19 (3) Any early voter absentee ballot with a defect that is successfully
20 corrected by the voter as set forth in this subsection shall be counted.

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

8 ~~(c)~~(d) The provisions of this section shall be indicated prominently in the

9 early or absentee voter material prepared by the Secretary of State.

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on July 1, 2021.