

1 TO THE HONORABLE SENATE:

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 bill be amended by striking out all after the enacting clause and inserting in
6 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 must 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 must 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 ballot directly into a tabulator or secure ballot box that may be brought to
17 the window of the vehicle or located in such a manner that it can be accessed
18 from the vehicle, or providing voters an envelope or folder in which to place
19 their voted ballot 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 must be available for
8 those who request it. Additionally, the board of civil authority shall take such
9 measures as are necessary to assure 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.

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

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

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

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

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

19 (3) The Secretary of State shall provide on his or her official website a
20 list of polling places that will be used in any local, primary, or general election

1 within the State, and shall specifically provide notice on that website of any
2 change in the location of a municipality’s polling place.

3 * * * Ballot Mailing for Local Elections * * *

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

5 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

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

10 * * *

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

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

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

20 (2) A school board may, after receiving the approval of the legislative
21 body of each member town in the district, vote to mail its annual meeting

1 ballot to all active registered voters in the district. In such case, the town clerk
2 and election officials in the member towns shall be responsible for the mailing
3 of the ballots but all costs associated with the mailing of ballots shall be borne
4 by the school district.

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

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

9 ~~(g)~~(h) Hearing.

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

16 * * *

17 * * * Ballot Mailing for Statewide Elections * * *

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

19 § 2532. AUTHORIZED APPLICANTS; APPLICATION FORM;

20 DUPLICATES

21 * * *

1 (e) Duplicate early voter absentee ballots.

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

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

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

16 * * *

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

18 § 2536. FURNISHING EARLY VOTER ABSENTEE BALLOT

19 ENVELOPES

20 Upon request, for any statewide primary, presidential primary, or general
21 election, the Secretary of State shall furnish the envelopes prescribed in

1 sections 2535 and 2542 of this title to town clerks in such numbers as they
2 request. The cost of absentee ballot envelopes for local elections shall be
3 borne by the municipality.

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

5 § 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK’S
6 OFFICE

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

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

12 (3) The voter may:

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

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

19 (C) if the board of civil authority has voted to allow it pursuant to
20 section 2546b of this subchapter, mark the ballots and deposit them directly

1 into the vote tabulator or ballot box in accordance with section 2546b of this
2 subchapter.

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

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

7 § 2537a. MAILING OF GENERAL ELECTION BALLOTS

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

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

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

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

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

1 (b) General election ballots mailed by the Secretary of State’s office under
2 this section shall be returned by the voter to the town or city clerk in the town
3 or city where that voter is registered in accordance with the procedures for
4 return of ballots described in this subchapter.

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

6 § 2539. DELIVERY OF EARLY VOTER ABSENTEE BALLOTS

7 (a) Default; town office or mail.

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

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

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

1 of the ballot that was previously mailed to that voter by the Secretary of State
2 and proceed as follows:

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

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

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

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

14 (B) If a voter registers to vote for the first time in Vermont following
15 the time when the Secretary of State's office generated the address file to be
16 used for the mailing of ballots to all active voters by the Secretary of State's
17 Office, and requests a ballot for the general election, the ballot shall be issued
18 to that voter pursuant to subdivision (1) of this subsection (a).

19 * * *

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

21 § 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

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

5 ~~INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS~~

6 ~~1. Mark the ballots.~~

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

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

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

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

17 ~~BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS~~
18 ~~ENVELOPE OR YOUR VOTE WILL NOT COUNT!~~

19 (b) ~~In the case of early absentee voting in a primary, the instructions shall~~
20 ~~also include appropriate instructions prepared by the Secretary of State for~~

1 ~~separating and depositing unvoted ballots in a separate envelope provided and~~
2 ~~clearly marked for that purpose.~~

3 * * * Ballot Curing; Secure Drop Boxes * * *

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

5 § 2543. RETURN OF BALLOTS

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

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

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

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

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

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

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

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

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

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

13 § 2543a. PROVISION OF SECURE BALLOT DROP BOXES

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

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

18 (c) Drop boxes must allow for the return of ballots by voters at any time of
19 day, and must be available for the return of ballots not later than 43 days
20 before the election.

1 (d) Drop boxes must be installed and maintained in accordance with
2 guidance issued by the Secretary of State’s office. At a minimum, drop boxes
3 must:

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

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

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

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

12 (e) Ballots may be deposited in the drop boxes until the close of business
13 on the day before the election. At that time the drop box shall be closed and
14 instructions affixed to the drop box instructing the voter to return their voted
15 ballot to the polling place on the day of the election.

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

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

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

- 1 (3) between 10,000 and 15,000 registered voters, three;
2 (4) between 15,000 and 20,000 registered voters, four; and
3 (5) over 20,000 registered voters, five.
4 (6) A town or city may have a number of secure drop boxes equal to the
5 number of representative districts in that town or city, with one drop box
6 located in each district, if that number is greater than the number allowed
7 based on that town or city’s number of registered voters in subdivisions (1)–(5)
8 of this subsection. If there is not suitable municipal property for the location of
9 a secure drop box in the area covered by a certain district in the town or city,
10 an alternative location may be used with the approval of the Secretary of
11 State’s office.

12 Sec. 12. REPEALS

13 17 V.S.A. § 2545 (receipt of marked ballots by town clerk; delivery to
14 election officers) is repealed.

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

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

17 § 2546. ~~DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN~~
18 BALLOT BOX OR VOTE TABULATOR RECEIPT OF BALLOTS
19 BY CLERK; VOTER STATUS; OPPORTUNITY TO CURE;
20 PROCESSING ABSENTEE BALLOTS

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

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

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

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

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

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

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

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

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

6 (iii) not later than the next business day mail a postcard, designed
7 and provided by the Secretary of State’s office, to the voter at the address
8 where the ballot was sent informing the voter that their ballot was deemed
9 defective and rejected, the reason it was deemed defective, and the voter’s
10 opportunity to correct the error pursuant to subsection 2547(d) of this
11 subchapter.

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

19 ~~(3) check the name of the early voter off the entrance checklist; and~~

1 ~~(4) 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.~~

4 **(b)(c) The Processing absentee ballots on election day. If the certificate**
5 **envelopes have not been opened and the voted ballots placed in the ballot box**
6 **or tabulator, the town clerk or presiding officer shall deliver the unopened**
7 **early voter absentee ballots to the election officials at the place where the**
8 **entrance checklist is located. ~~Upon the opening of the polls~~ During the polling**
9 **hours on election day:**

10 ~~(1) If the ballots are in a~~ , at the direction of the presiding officer, at
11 least two election officials shall open the container marked “checked in early
12 voter absentee ballots,” one election official shall open the certificate
13 envelopes, turn the certificate side face down, and hand the envelope face
14 down to a second election official, if possible from a different political party,
15 who shall remove the ballots from the envelopes and deposit them in the ballot
16 box or vote tabulator. If the early voter is a first-time voter who registered by
17 mail or online, and if the proper identification has not been submitted before
18 the closing of the polls, the ballot shall be treated as a provisional ballot, as
19 provided in subchapter 6A of this chapter.

20 ~~(2) If the ballots have not been previously checked off the entrance~~
21 ~~checklist and if two election officials, from different political parties,~~

1 ~~determine that the certificate on the envelope is properly completed and signed~~
2 ~~by the early voter, the name of the early voter appears on the checklist, and the~~
3 ~~early voter is not a first time voter in the municipality who registered by mail~~
4 ~~and is marked on the checklist as requiring additional documentation, the~~
5 ~~election officials shall mark the checklist, open the certificate envelope, turn~~
6 ~~the certificate side face down, and hand the envelope face down to a third~~
7 ~~election official who shall remove the ballots from the envelopes and deposit~~
8 ~~the ballots in the ballot box or vote tabulator.~~

9 ~~(3)(A) If the early voter is a first time voter who registered by mail or~~
10 ~~online, two election officials from different political parties shall determine~~
11 ~~whether the identification required under subdivision 2563(1) of this title has~~
12 ~~been submitted by the voter. Upon ascertaining that the proper identification~~
13 ~~has been submitted by the voter, the election officials shall mark the checklist,~~
14 ~~open the certificate envelope, turn the certificate side face down, and hand the~~
15 ~~envelope face down to a third election official who shall remove the ballots~~
16 ~~from the envelopes and deposit the ballot in the ballot box or vote tabulator.~~

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

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

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

2 § 2546a. ~~DAY PRECEDING ELECTION;~~ DEPOSIT OF EARLY VOTER
3 ABSENTEE BALLOTS IN VOTE TABULATOR

4 (a) Generally. Notwithstanding any provision of law to the contrary, ~~if a~~
5 ~~town will be using a vote tabulator for the registering and counting of votes in~~
6 ~~the upcoming election and will check in early voter absentee ballots in~~
7 ~~accordance with subsection 2546(a) of this chapter for that election,~~ the board
8 of civil authority may vote to permit elections officials to deposit ~~those~~ early
9 voter absentee ballots that have been processed in accordance with subsection
10 2546(a) of this subchapter and have not been deemed defective into the vote
11 tabulator or ballot box in accordance with the provisions of this section and
12 any guidance issued by the Secretary of State. ~~This~~ Any such depositing of
13 ~~these~~ ballots shall take place at the town clerk's office ~~on the day~~ during the
14 30 days preceding the election.

15 (b) Notice.

16 ~~(4)~~ If a board of civil authority votes to deposit ballots as described in
17 subsection (a) of this section, ~~the town clerk shall post notice that ballots will~~
18 ~~be so deposited in at least two public places in the municipality and in or near~~
19 ~~the town clerk's office not less than 30 nor more than 40 days before the~~
20 ~~election. If a municipality has more than one polling place and the polling~~
21 ~~places are not all in the same building, the notice shall be posted in at least two~~

1 ~~public places within each voting district and in or near the town clerk's office.~~
2 the process shall be conducted during normal business hours if practicable or,
3 if conducting the process at a time other than normal business hours, notice of
4 the date(s), time(s), and location of the processing shall be posted at the clerk's
5 office and two other public places at least three days in advance.

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

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

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

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

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

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

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

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

9 ~~(e) Processing.~~

10 ~~(1) Immediately after the expiration of the period for the count and~~
11 ~~inspection described in subsection (d) of this section, the town clerk and~~
12 ~~election officials shall open each certificate envelope containing an early voter~~
13 ~~absentee ballot that was counted under subdivision (d)(1) of this section and~~
14 ~~deposit each ballot into a vote tabulator.~~

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

17 ~~(3) At the end of the processing, the town clerk shall verify that the vote~~
18 ~~tabulator’s memory card is locked in place and shall sign a statement verifying~~
19 ~~how many early voter absentee ballots were counted by the vote tabulator and~~
20 ~~that the memory card is so locked. The town clerk shall compare the vote~~

1 ~~tabulator's number of counted ballots to the original count of those ballots~~
2 ~~described in subdivision (d)(1) of this section.~~

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

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

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

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

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

16 § 2546b. EARLY VOTING IN TOWN CLERK'S OFFICE; DEPOSIT INTO
17 VOTE TABULATOR

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

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

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

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

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

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

21 (c) On the day of the election:

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

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

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

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

15 § 2547. DEFECTIVE BALLOTS

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

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

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

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

3 (4) the certificate is not signed;

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

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

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

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

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

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

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

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

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

1 ~~(b)(1) A person who in good faith has received early voter absentee ballots~~
2 ~~for his or her use but has not yet marked them, if he or she is able to vote in~~
3 ~~person, may cast the early voter absentee ballots as provided above, or may~~
4 ~~vote in person after returning the complete set of unmarked ballots, together~~
5 ~~with the envelope intended for their return, to the presiding officer at the time~~
6 ~~the voter appears to vote in person.~~

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

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

19 ~~(2) If the voter brings their marked ballot enclosed in the signed~~
20 ~~certificate envelope, the voter may submit that certificate envelope containing~~
21 ~~the voted ballot to the entrance checklist official for processing along with any~~

1 other early or absentee ballots. The voter shall be marked off the checklist and
2 the clerk shall record the voter as having returned their absentee ballot on
3 election day in the online election management system.

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

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

18 (5) If the voter does not bring their marked or unmarked ballot with
19 them to the polls, the voter shall be required to sign an affidavit that they have
20 not previously cast a ballot in the election, and only then shall they be checked
21 off the checklist and allowed to vote in the same manner as all other voters

1 who are voting at the polling place. The clerk shall record any such voter as
2 having voted in person on election day in the online election management
3 system. Any affidavits signed by voters at the polling place pursuant to this
4 section shall be retained for a period of 90 days following the election.

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

6 § 2565. DELIVERY OF BALLOTS

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

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

15 § 2566. MARKING BALLOTS

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

1 writing in the name of the candidate of his or her choice in the blank space
2 provided and filling in the square or oval to the right of that blank space.

3 * * * Language Access * * *

4 Sec. 20. LANGUAGE ACCESS; REPORT

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

10 * * * Position Created * * *

11 Sec. 21. CREATION OF POSITION WITHIN THE OFFICE OF
12 SECRETARY OF STATE; ELECTIONS

13 (a) There is created within the Secretary of State's office one new position
14 in the Elections Division.

15 (b) Any funding necessary to support the position created in subsection (a)
16 of this section shall be derived from the Secretary of State's Service Fund.

17 * * * Effective Date * * *

18 Sec. 22. EFFECTIVE DATE

19 This act shall take effect on passage.

1

2 (Committee vote: _____)

3

4

Senator _____

5

FOR THE COMMITTEE