

S.298

Introduced by Senators Ram Hinsdale, White, Baruth, Bongartz, Brock,  
Chittenden, Clarkson, Cummings, Gulick, Hardy, Hashim,  
Lyons, Major, Perchlik, Plunkett, Vyhovsky, Watson and  
Westman

Referred to Committee on

Date:

Subject: Elections; voting rights; conduct of elections; language assistance;  
election interference; periodic reapportionment; counting of offenders

Statement of purpose of bill as introduced: This bill will explicitly prohibit  
discrimination based on race or color or membership in a language minority  
group. It will prohibit local racial gerrymandering. This bill proposes to create  
language assistance in voting and elections and voting assistance methods for  
individuals above 65 years of age and individuals with disabilities. It prohibits  
municipal electoral changes within 60 days preceding a general election and  
creates a pre-clearance system where municipalities must first seek  
authorization from the Attorney General's office for changes to electoral  
districts or systems. This bill prohibits at-large districts where these would  
impair the ability of members of a protected class to elect candidates of its  
choice or its ability to influence the outcome of an election. It creates the  
Voter Education and Outreach Fund. This bill criminalizes the intimidation of

1 voters, the communication of false information to registered voters, and  
2 interference with voting. It also proposes to count certain offenders by their  
3 residential address prior to incarceration for the purpose of periodic  
4 reapportionment of districts for the General Assembly.

5 An act relating to creating the Vermont Voting Rights Act

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

7 \* \* \* Vermont Voting Rights Act \* \* \*

8 Sec. 1. 17 V.S.A. chapter 59 is added to read:

9 CHAPTER 59. VERMONT VOTING RIGHTS ACT

10 Subchapter 1. Definitions; Rights of Voters

11 § 2801. DEFINITIONS

12 As used in this chapter:

13 (1) “Certification of No Objection” means a certification issued by the  
14 Attorney General stating that there is no objection to the enactment or  
15 administration of a covered practice by a municipality because the covered  
16 practice neither has the purpose or effect of denying or abridging the right to  
17 vote based on race or color or membership in a language minority group nor  
18 will result in the retrogression in the position of members of a racial or ethnic  
19 group with respect to their effective exercise of the electoral franchise.

20 (2) “Covered practice” means:

1           (A) any change to the method of election of members of a governing  
2           body or an elected school board by adding seats elected at large or by  
3           converting one or more seats elected from a single-member district to one or  
4           more at-large seats or seats from a multimember district;

5           (B) any change, or series of changes within a 12-month period, to the  
6           boundaries of the municipality that reduces by more than five percentage  
7           points the proportion of the municipality's voting age population that is  
8           composed of members of a single racial or language minority group, as  
9           determined by the most recent U.S. Census Bureau's American Community  
10          Survey data;

11          (C) any change to the boundaries of election districts or wards in the  
12          municipality, including changes made pursuant to a decennial redistricting  
13          measure;

14          (D) any change that restricts the ability of any person to provide  
15          interpreter services to voters in any language other than English or that limits  
16          or impairs the creation or distribution of voting or election materials in any  
17          language other than English; or

18          (E) any change that reduces the number of or consolidates or  
19          relocates polling places in the municipality, except where permitted by law in  
20          the event of an emergency.

1           (3) “Municipality” means a town, city, village, school district, or other  
2           political subdivision that holds public elections.

3           (4) “Protected class” means a group of citizens protected from  
4           discrimination based on race or color or membership in a language minority  
5           group.

6           (5) “Racially polarized voting” refers to the extent to which the  
7           candidate preferences of members of a protected class and other voters in the  
8           jurisdiction have differed in recent elections for the office at issue and other  
9           offices in which the voters have been presented with a choice between  
10          candidates who are members of the protected class and candidates who are not  
11          members of the protected class.

12          (6) “Voting age population” means the resident population of persons  
13          who are 18 years of age or older, as determined by the most recent U.S. Census  
14          Bureau’s American Community Survey data available at the time any change  
15          to a covered practice is published.

16          § 2802. VOTE DENIAL OR DILUTION

17          (a) No voting qualification or prerequisite to voting or standard, practice, or  
18          procedure shall be imposed or applied by the State or any municipality in a  
19          manner that results in a denial or abridgement of the right of any citizen of the  
20          United States to vote based on race or color or membership in a language  
21          minority group.

1       (b) A violation of subsection (a) of this section is established if, on the  
2       basis of the totality of circumstances, it is shown that the political processes  
3       leading to nomination or election in the State or a municipality are not equally  
4       open to participation by members of a protected class in that its members have  
5       less opportunity than other members of the electorate to participate in the  
6       political processes or to elect representatives of their choice. The extent to  
7       which members of a protected class have been elected to office in the State or  
8       municipality is one circumstance that may be considered.

9       (c) Nothing in this section shall be construed to establish a right to have  
10       members of a protected class elected in numbers equal to their proportion in  
11       the population.

12       § 2803. IMPAIRMENT OF VOTING RIGHTS OF REGISTERED VOTERS.

13       Nothing in this chapter shall be construed to deny, impair, or otherwise  
14       adversely affect the right to vote of any registered voter.

15               Subchapter 2. Assistance in Voting and Elections

16       § 2811. LANGUAGE ASSISTANCE IN VOTING AND ELECTIONS

17       (a) Determination of languages and municipalities.

18               (1) The Secretary of State shall designate one or more languages, other  
19       than English, for which assistance in voting and elections shall be provided in  
20       a municipality if the Secretary finds that a significant and substantial need  
21       exists.

1           (2) The Secretary of State shall find that such significant and substantial  
2           need exists if, based on the best available data, including information from the  
3           U.S. Census Bureau’s American Community Survey, more than five percent or  
4           more than 1,000 of the residents qualified to vote in a municipality speak a  
5           particular shared language other than English and are limited English  
6           proficient individuals.

7           (3) As used in this section, “limited English proficient individual”  
8           means an individual who does not speak English as the individual’s primary  
9           language and who speaks, reads, or understands the English language less than  
10          “very well,” in accordance with U.S. Census Bureau data or data of  
11          comparable quality collected by a governmental entity.

12          (4) On or before January 15, the Secretary of State shall annually  
13          publish on the website of the Office of the Secretary of State a list of each  
14          municipality in which assistance in voting and elections in a language other  
15          than English shall be provided and each such language in which such  
16          assistance shall be provided in each such municipality. The Secretary’s  
17          determinations under this section shall be effective upon such publication. The  
18          Secretary shall distribute to each affected municipality the information  
19          contained in such list.

20          (b) Assistance to voters.

1           (1) The Secretary, in consultation with each municipality described in  
2           subdivision (a)(4) of this section, shall provide assistance in voting and  
3           elections in any language designated pursuant to subdivision (a)(1) of this  
4           section to voters in that municipality who are limited English proficient  
5           individuals.

6           (2) The Secretary shall provide competent assistance in each designated  
7           language. The Secretary shall provide election-related materials both in  
8           English and in each designated language, including registration or voting  
9           notices, forms, instructions, assistance, ballots, and other information relating  
10          to the electoral process, except that, in the case of a language that is oral or  
11          unwritten, the Secretary may provide only oral instructions, assistance, or other  
12          information relating to the electoral process in that language. All materials  
13          provided in a designated language shall be of an equal quality to the  
14          corresponding English materials. All provided translations shall convey the  
15          intent and essential meaning of the original text or communication and shall  
16          not rely solely on any automatic translation service. Whenever available,  
17          language assistance shall also include interpretation services.

18           (c) Review process.

19           (1) The Secretary of State shall adopt regulations, in accordance with  
20           the provisions of 3 V.S.A. chapter 25, to establish a review process under  
21           which the Secretary shall determine, upon receipt of a request submitted under

1 this subsection, whether a significant and substantial need exists in a  
2 municipality for a language to be designated for the provision of assistance in  
3 voting and elections whenever a need has not been found under subsection (a)  
4 of this section.

5 (2) The Secretary's review process shall include:

6 (A) an opportunity for any resident qualified to vote, organization  
7 whose membership includes or is likely to include residents qualified to vote,  
8 or organization whose mission would be frustrated by the Secretary's failure to  
9 provide such language assistance to submit a request for the Secretary to  
10 consider so designating a language in a municipality;

11 (B) an opportunity for public comment; and

12 (C) that, upon receipt and review of any request, the Secretary may,  
13 in accordance with the process for making such determination, so designate  
14 any language in a municipality.

15 (d) Right of action. Any resident qualified to vote who is aggrieved by a  
16 violation of this section and any organization whose membership includes  
17 residents qualified to vote who are aggrieved by such a violation shall be  
18 entitled to initiate a cause of action in the Superior Court in the county in  
19 which the alleged violation has occurred, except that no determination of the  
20 Secretary under this section to designate a municipality or a language for the  
21 provision of assistance shall constitute a violation of this section.



1     § 2812. ASSISTANCE FOR CERTAIN VOTERS; PENALTIES

2         (a) Any voter 65 years of age or older or any voter who is physically  
3         disabled may request and then shall be handed a printed ballot by an election  
4         officer outside the polling place but within 150 feet of the entrance to the  
5         polling place. The voter shall mark the printed ballot in the officer's presence  
6         but in a secret manner and, obscuring the voter's vote, return the ballot to the  
7         officer. The officer shall immediately return to the polling place and shall  
8         deposit the ballot in accordance with section 2570 of this title.

9         (b)(1) Any qualified voter who requires assistance to vote by reason of  
10        physical disability or inability to read or write may, if the voter so requests, be  
11        assisted in voting. The voter may designate an officer of election or any other  
12        person to assist the voter.

13        (2) The election officer or other person so designated shall not enter the  
14        booth with the voter unless:

15            (A) the voter signs a request stating that the voter requires assistance  
16            by reason of physical disability or inability to read or write; and

17            (B) the election officer or other person signs a statement that the  
18            officer or other person will act in accordance with the requirements of this  
19            section.

20        (3) The request and statement shall be on a single form furnished by the  
21        Secretary of State. If the voter is unable to sign the request, the voter's own

1 mark acknowledged by the voter before an election officer shall be a sufficient  
2 signature, provided no mark shall be required of a voter who is blind. An  
3 election officer shall advise the voter and any person assisting the voter of the  
4 requirements of this section and record the name of the voter and the name and  
5 address of the person assisting the voter.

6 (4) The election officer or other person so designated shall assist the  
7 qualified voter in the preparation of the voter's ballot in accordance with the  
8 voter's instructions and without soliciting the voter's vote or in any manner  
9 attempting to influence the voter's vote and shall not in any manner divulge or  
10 indicate, by signs or otherwise, how the voter voted on any office or question.  
11 The officer shall immediately deposit the ballot in accordance with section  
12 2570 of this title.

13 (c) If the voter requires assistance in a language other than English and has  
14 not designated a person to assist the voter, an election officer may assist as an  
15 interpreter but shall first inquire of the present election officials whether there  
16 is an election official of a party or candidate of the voter's preference available  
17 who can interpret for the voter. One representative interpreter for each party or  
18 candidate, insofar as available, shall be permitted to observe the officer of  
19 election communicate with the voter. In any municipality designated as a  
20 covered municipality pursuant to section 2811 of this title, the local board of  
21 civil authority shall ensure that interpretation services in the language of the

1 applicable minority group are available and easily accessible to voters needing  
2 assistance pursuant to this subsection. The voter may designate one of the  
3 volunteer party or candidate interpreters to provide assistance. A person so  
4 designated by the voter shall meet all the requirements of this section for a  
5 person providing assistance.

6 (d) A person who willfully violates subsection (b) or (c) of this section  
7 shall be imprisoned not more than six months or fined not more than  
8 \$2,000.00, or both.

9 Subchapter 3. Changes to Election Practices

10 § 2821. CHANGES NOT TO BE EFFECTUATED WITHIN 60 DAYS

11 PRECEDING A GENERAL ELECTION; NOTICE

12 REQUIREMENTS

13 No change in any local election district, ward, or polling place shall take  
14 effect within 60 days preceding any general election.

15 § 2822. COVERED PRACTICES; ACTIONS REQUIRED PRIOR TO

16 ENACTMENT OR ADMINISTRATION

17 (a)(1) Prior to enacting or seeking to administer any voting qualification or  
18 prerequisite to voting, or any standard, practice, or procedure with respect to  
19 voting, that is a covered practice, the governing body shall cause to be  
20 published on the official website for the municipality the proposed covered  
21 practice and general notice of opportunity for public comment on the proposed

1 covered practice. The governing body shall also publicize the notice through  
2 press releases and such other media as will best serve the purpose and subject  
3 involved. Such notice shall be made at least 45 days in advance of the last date  
4 prescribed in the notice for public comment.

5 (2) Public comment shall be accepted for a period of not fewer than 30  
6 days. During this period, the governing body shall afford interested persons an  
7 opportunity to submit data, views, and arguments in writing by mail, fax, or  
8 email, or through an online public comment forum on the official website for  
9 the municipality if one has been established. The governing body shall  
10 conduct at least one public hearing during this period to receive public  
11 comment on the proposed covered practice.

12 (3) The governing body may make changes to the proposed covered  
13 practice in response to public comment received. If doing so, the revised  
14 covered practice shall be published and public comment shall be accepted in  
15 accordance with this subsection, except the public comment period shall be not  
16 fewer than 15 days.

17 (b)(1) Following the public comment period or periods prescribed in  
18 subsection (a) of this section, the governing body shall publish the final  
19 covered practice, which shall include a plain English description of the practice  
20 and the text of an ordinance giving effect to the practice, maps of proposed

1 boundary changes, or other relevant materials, and notice that the covered  
2 practice will take effect in 30 days.

3 (2) During the 30-day waiting period described in subdivision (1) of this  
4 subsection, any individual who will be subject to or affected by the covered  
5 practice may challenge in the Superior Court of the municipality where the  
6 covered practice is to be implemented the covered practice as:

7 (A) having the purpose or effect of denying or abridging the right to  
8 vote on the basis of race or color or membership in a language minority group;  
9 or

10 (B) resulting in the retrogression in the position of members of a  
11 racial or ethnic group with respect to their effective exercise of the electoral  
12 franchise.

13 (3) In an action described in subdivision (2) of this subsection, the court  
14 may, in its discretion, allow a private plaintiff a reasonable attorney's fee as  
15 part of the costs, if such plaintiff is the prevailing party.

16 (c) The governing body of a municipality seeking to administer or  
17 implement a covered practice, in lieu of following the provisions of  
18 subsections (a) and (b) of this section, may submit the proposed covered  
19 practice to the Office of the Attorney General for issuance of a Certification of  
20 No Objection. The practice shall not be given effect until the Attorney General  
21 has issued the certification. A Certification of No Objection shall be deemed

1 to have been issued if the Attorney General does not interpose an objection  
2 within 60 days after the governing body's submission or if, upon good cause  
3 shown and to facilitate an expedited approval within 60 days after the  
4 governing body's submission, the Attorney General has affirmatively indicated  
5 that no such objection will be made. An affirmative indication by the Attorney  
6 General that no objection will be made or the absence of an objection to the  
7 covered practice by the Attorney General shall not bar a subsequent action to  
8 enjoin enforcement of such qualification, prerequisite, standard, practice, or  
9 procedure.

10 § 2823. NOTICE REQUIREMENTS

11 (a) In addition to the requirements set forth in section 2822 of this title,  
12 notice shall be published prior to enactment in a newspaper having general  
13 circulation in the election district or ward once a week for two successive  
14 weeks. The published notice shall state where descriptions and maps of  
15 proposed boundary and polling place changes may be inspected.

16 (b) Notice of any adopted change in any election district, ward, or polling  
17 place shall be mailed to all registered voters whose election district, ward, or  
18 polling place is changed at least 15 days prior to the next general, special, or  
19 primary election in which the voters will be voting in the changed election  
20 district, ward, or polling place.

1        (c) Each municipality shall comply with the applicable requirements of law  
2        and send copies of enacted changes, including a geographic information  
3        system (GIS) map showing the new boundaries of the districts or wards, to the  
4        Secretary of State. Any municipality that does not have GIS capabilities may  
5        request the Secretary of State to create on its behalf a GIS map showing the  
6        boundaries of the new districts or wards, and the Secretary of State shall create  
7        such a map.

8                                Subchapter 4. At-Large Method of Election

9        § 2831. AT-LARGE METHOD OF ELECTION; LIMITATIONS;

10                              VIOLATIONS; REMEDIES

11        (a) An at-large method of election, including one that combines at-large  
12        elections with district- or ward-based elections, shall not be imposed or applied  
13        by the governing body of any municipality in a manner that impairs the ability  
14        of members of a protected class to elect candidates of its choice or its ability to  
15        influence the outcome of an election, as a result of the dilution or the  
16        abridgement of the rights of voters who are members of a protected class.

17        (b) A violation of subsection (a) of this section is established if it is shown  
18        that racially polarized voting occurs in the local election and that, in  
19        combination with the method of election, the voting strength of members of a  
20        protected class is diluted. A finding of racially polarized voting or a violation  
21        of subsection (a) of this section shall not be precluded by the fact that members

1 of a protected class are not geographically compact or concentrated in a  
2 municipality. Proof of an intent on the part of voters or elected officials to  
3 discriminate against members of a protected class shall not be required to  
4 prove a violation of subsection (a) of this section.

5 (c) Any voter who is a member of a protected class and who resides in a  
6 municipality where a violation of this section is alleged shall be entitled to  
7 initiate a cause of action in the Superior Court in the county in which the  
8 alleged violation has occurred. In such action, the court may, in its discretion,  
9 allow a private plaintiff a reasonable attorney's fee as part of the costs, if such  
10 plaintiff is the prevailing party.

11 (d) Upon a finding of a violation of this section, the court shall implement  
12 appropriate remedies that are tailored to remedy the violation.

13 Subchapter 5. Voter Education and Outreach Fund

14 § 2841. VOTER EDUCATION AND OUTREACH FUND

15 There is hereby created in the State Treasury a special nonreverting fund to  
16 be known as the Voter Education and Outreach Fund, referred to in this section  
17 as the Fund. All penalties and charges directed to this Fund by subchapter 7 of  
18 this chapter and all other funds from any public or private source directed to  
19 the Fund shall be paid into the State Treasury and credited to the Fund.  
20 Interest earned on monies in the Fund shall remain in the Fund and be credited  
21 to it. Any monies remaining in the Fund, including interest thereon, at the end



1 of each fiscal year shall not revert to the General Fund but shall remain in the  
2 Fund. Monies in the Fund shall be used solely for the purposes of educating  
3 voters and persons qualified to be voters on the rights ensured to them pursuant  
4 to federal and State constitutional and statutory law and remedies. The State  
5 Treasurer shall make expenditures and disbursements from the Fund upon  
6 written request signed by the Secretary of State or the Secretary's designee.

7 Subchapter 6. Election Interference

8 § 2851. INTIMIDATION OF ELECTION OFFICERS

9 Any person who, by bribery, intimidation, threats, coercion, or other means  
10 in violation of the election laws, willfully hinders or prevents, or attempts to  
11 hinder or prevent, an election officer at any polling place from holding an  
12 election shall be imprisoned not more than two years or fined not more than  
13 \$2,000.00, or both.

14 § 2852. INTIMIDATION OF VOTERS; CIVIL CAUSE OF ACTION

15 (a) Any person who intimidates, threatens, or coerces, or attempts to  
16 intimidate, threaten, or coerce, any other person in giving the person's vote or  
17 ballot or who intimidates, threatens, or coerces, or attempts to intimidate,  
18 threaten, or coerce, a voter to deter or prevent the voter from voting shall be  
19 imprisoned not more than two years or fined not more than \$2,000.00, or both.

20 (b) In addition to the criminal penalty provided in subsection (a) of this  
21 section, such actions shall also create a private cause of action. A voter who is

1 intimidated, threatened, or coerced by another person in violation of subsection  
2 (a) of this section shall be entitled to institute an action for preventive relief,  
3 including an application for a permanent or temporary injunction, restraining  
4 order, or other order, against such person. The action shall be initiated in the  
5 Superior Court in the county in which the alleged violation has occurred. In  
6 any such action, the court may, in its discretion, allow a private plaintiff a  
7 reasonable attorney's fee as part of the costs, if such plaintiff is the prevailing  
8 party.

9 (c) This section applies to any election and to any method used by a  
10 political party for selection of its nominees and for selection of delegates to its  
11 conventions and meetings.

12 § 2853. COMMUNICATION OF FALSE INFORMATION TO  
13 REGISTERED VOTER

14 (a) It shall be unlawful for any person to communicate to a registered voter,  
15 by any means, false information, knowing the same to be false, intended to  
16 impede the voter in the exercise of the voter's right to vote. The provisions of  
17 this section shall apply to information only about the date, time, and place of  
18 the election, or the voter's ward, polling place, or voter registration status, or  
19 how to register to vote.

20 (b) Any person who violates the provisions of subsection (a) of this section  
21 shall be imprisoned not more than six months or fined not more than

1 \$1,000.00, or both. A violation may be prosecuted in the Superior Court in  
2 either the county in which the alleged communication was made or in the  
3 county in which the communication was received, if different.

4 (c) In addition to the criminal penalty provided in subsection (b) of this  
5 section, a violation of the provisions of this section shall also create a private  
6 cause of action. A registered voter to whom such false information is  
7 communicated shall be entitled to institute an action for preventive relief,  
8 including an application for a permanent or temporary injunction, restraining  
9 order, or other order, against the person communicating such false information.  
10 The action shall be initiated in the Superior Court in either the county in which  
11 the alleged communication was made or in the county in which the  
12 communication was received, if different. In any such action, the court may, in  
13 its discretion, allow a private plaintiff a reasonable attorney's fee as part of the  
14 costs, if such plaintiff is the prevailing party.

15 § 2854. INTERFERENCE WITH VOTING

16 (a) Any person acting under the color of law who, contrary to an official  
17 policy or procedure, fails to permit, or refuses to permit, a qualified voter to  
18 vote, or who willfully fails or refuses to tabulate, count, or report the vote of a  
19 qualified voter, is subject to a civil penalty in an amount not more than  
20 \$1,000.00 for each affected voter. Civil penalties shall be payable to the Voter  
21 Education and Outreach Fund established pursuant to 2841.

1       (b)(1) Any person who furnishes a ballot to a voter who that person knows  
2       cannot understand the language in which the ballot is printed and misinforms  
3       the voter as to the content of the ballot with an intent to deceive the voter and  
4       induce the voter to vote contrary to the voter's desire shall be imprisoned not  
5       more than six months or fined not more than \$1,000.00, or both.

6       (2) Any person who changes a ballot of a voter to prevent the voter from  
7       voting as the voter desires shall be imprisoned not more than six months or  
8       fined not more than \$1,000.00, or both.

9       (3) This subsection applies to any election and to any method used by a  
10       political party for selection of its nominees and for selection of delegates to its  
11       conventions and meetings.

12                               Subchapter 7. Enforcement

13       § 2861. CIVIL ACTIONS BY ATTORNEY GENERAL

14       (a) Whenever the Attorney General has reasonable cause to believe that a  
15       violation of this chapter has occurred and that the rights of any voter or group  
16       of voters have been affected by such violation, the Attorney General may  
17       initiate a civil action in the Superior Court in the county in which the alleged  
18       violation has occurred for appropriate relief.

19       (b) In such civil action, the court may:

20               (1) Award such preventive relief, including a permanent or temporary  
21       injunction, restraining order, or other order against the person responsible for a

1 violation of this title, as is necessary to ensure the full enjoyment of the rights  
2 granted by this title.

3 (2) Assess a civil penalty against the respondent in an amount not more  
4 than \$5,000.00 for a first violation and in an amount not more than \$25,000.00  
5 for any subsequent violation. Such civil penalties are payable to the Voter  
6 Education and Outreach Fund established pursuant to section 2841 of this title.

7 (3) Award a prevailing plaintiff reasonable attorney's fees and costs.

8 (c) The court or jury may award such other relief to the aggrieved person as  
9 the court deems appropriate, including compensatory damages and punitive  
10 damages.

11 \* \* \* Counting Offenders in Reapportionment of Legislative Districts \* \* \*  
12 Sec. 2. 17 V.S.A. § 1913 is added to read:

13 § 1913. COUNTING OF OFFENDERS

14 (a) Department of Corrections determination and sharing of offender  
15 residential information.

16 (1) The Department of Corrections shall:

17 (A) for each offender in the Department's custody, determine the  
18 offender's residential address prior to incarceration; and

19 (B) maintain an electronic record of offenders' residential addresses  
20 prior to incarceration that shall determine the offenders' residential addresses

1 prior to incarceration on the date for which the decennial census reports  
2 population.

3 (2) On or before May 1 of the year following each decennial census  
4 under the authority of Congress and in which the U.S. Census Bureau counts  
5 any offender as a resident of the town in which the offender's respective  
6 correctional facility is located, the Department of Corrections shall deliver to  
7 the Legislative Apportionment Board, in a form as prescribed by the Board, the  
8 following information as determined on the date for which the decennial  
9 census reports population:

10 (A) a unique identifier for each offender subject to the  
11 jurisdiction of the Department of Corrections;

12 (B) the street address of the correctional facility in which each  
13 offender was incarcerated;

14 (C) for each offender, an indication of whether the offender:

15 (i) has attained 18 years of age; and

16 (ii) is serving a sentence of life imprisonment without the  
17 possibility of release;

18 (D) each offender's in-state residential address prior to incarceration,  
19 or an indication that the offender's residential address prior to incarceration  
20 was:

1                   (i) outside Vermont; or

2                   (ii) unknown; and

3                   (E) any additional information requested by the Board otherwise  
4 permitted by law.

5           (b) Legislative Apportionment Board use of offender address information.

6                   (1) For each offender included in a report received under subsection (a)  
7 of this section, the Board shall determine the geographic units for which  
8 population counts are reported in the decennial census, which units contain the  
9 address of the correctional facility in which an offender was incarcerated, and  
10 which contain an offender's residential address prior to incarceration.

11                   (2) If an offender's residential address prior to incarceration is known  
12 and is located within the State, the Board shall ensure that when creating  
13 proposals for dividing the State into initial districts for the election of the  
14 House of Representatives and the Senate, as described in sections 1905, 1906,  
15 and 1907 of this title, the relevant population counts reported in the decennial  
16 census are adjusted so that an offender is considered to have been residing at  
17 the offender's residential address prior to incarceration and not at the address  
18 of the correctional facility where the offender was incarcerated.

19                   (3) If an offender's residential address prior to incarceration is unknown  
20 or not in this State, the Board shall ensure that an offender is not represented in  
21 any applicable population count reported in the decennial census for the

1 geographic units that include the correctional facility in which an offender was  
2 incarcerated.

3 (4) Notwithstanding subdivisions (1)–(3) of this subsection, if an  
4 offender is serving a sentence of life imprisonment without the possibility of  
5 release, the Board shall ensure that an offender is represented in the applicable  
6 population count reported in the decennial census for the geographic units that  
7 include the correctional facility in which an offender was incarcerated.

8 (5) The Board shall prepare and publish such information, both adjusted  
9 and unadjusted, pursuant to this subsection as part of its tentative proposal, as  
10 described in sections 1905 and 1907 of this title, and any subsequent proposals,  
11 including the Board’s final proposal, as described in section 1906 of this title.

12 (c) Confidentiality of offender information. Notwithstanding any other  
13 statute to the contrary, the information required to be provided under this  
14 section shall not include the name of any offender or in any other way allow  
15 for the identification of the individual. This information is exempt from public  
16 inspection and copying under the Public Records Act and shall be kept  
17 confidential, except to the Board for the purposes of subsection (b) of this  
18 section or as aggregated by decennial census block for the purposes of  
19 subdivision (b)(5) of this section.

20 (d) Definition. As used in section, “offender” has the same meaning as in  
21 28 V.S.A. § 3(8).



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