

BRATTLEBORO TOWN CLERK

Hilary Francis
230 Main Street, Suite 108
Brattleboro, Vermont 05301-2885

Telephone 802-251-8129
Fax 802-257-2312
email hfrancis@brattleboro.gov

March 19, 2025

To the members of the House Committee on Government Operations:

Good morning. My name is Hilary Francis and I am the Brattleboro Town Clerk and a member of the Vermont Municipal Clerks and Treasurers Association's Legislative Committee. I am pleased to have been invited to be here today. I have prepared written testimony that I would like to read if that is OK with you.

As some of you might know, Brattleboro, like many VT towns, is governed by a charter. Back in 2012, Brattleboro's charter was amended to require any person interested in being considered a write-in candidate to notify the town clerk, prior to the close of polls on election day, of their intent to run. All other write-in votes do not need to be counted or recorded.

Research indicates that 98% of local write-in votes seldom receive more than 1 or 2 votes, even in instances when there are no pre-printed candidates in a particular race. Write-in names often range from fictional characters to sole votes for one's self.

Here are some clear examples of issues with write-in votes:

Often hand-written names are not complete, correct or legible and are passed over when counting write-in votes because the intent of the voter cannot be determined. Therefore a write-in candidate may miss having votes counted in their favor. If ballot counters were provided with a list of write-in candidates, they would be on alert for those names and may be able to attribute votes to a particular write-in candidate even though the name may not be complete.

Examples: John A. Smith is listed on the Brattleboro voter checklist. In counting votes for a particular race, we find write-in votes for J. Smith, Jay Smith and even Alan Smith. Ballot counters do not have enough information to know that John A. Smith generally goes by the name of Alan Smith, nor are they able to determine that write-in votes for any of these names are all for the same candidate. Mr. Smith may have received enough votes to be elected but because ballot counters did not have sufficient information, they were not able to count all Smith's votes in his favor. The candidate declaration form asks for all names that the candidate is known by. If I may share my screen, I can show you what the Brattleboro write-in declaration form looks like.

In Brattleboro alone, we have pages of voters who have the same or similar names. For example, Mark V. Speno, Mark W. Speno, Mary W. Speno; Steven M. Brown, Steven M. Brown Jr. (they are not related). Additionally, we have Justice of the Peace named Mary Miller, but everyone knows her as Beverly Miller. If I may share my screen again, I would like to show you some examples of what Brattleboro voter names look like.

A number of years ago a write-in candidate was elected as a town meeting member. When attempting to contact the newly elected town meeting member, it was discovered that there was a second adult member of the household with the same name. Who was elected?

If a write-in campaign is started for someone who has not agreed to accept the position and they win the seat but refuse it, the position is then filled by appointment. It does not pass to next-highest vote getter.

While not the main point of this, while the electronic tabulators tally votes for candidates whose names are pre-printed on the ballot, write-in votes need to be counted by hand, which can take several hours. Ballot counters are paid for their time.

Back in 2016, the Washington Post reported that there are eight states where ballots won't even have a space for write-ins. In 32 others, write-in candidates have to file with the state prior to the election to be counted as official candidates. Vermont is one of the few states where voters can write in anyone, with no requirements.

While the idea of simply requesting the write-in results is something, it does not meet the intent of the need to declare. We currently have to report those names and numbers to the Secretary of State's office, so they are available for candidates to see anyway. What we are requesting you to consider is the need for candidates to actively make that declaration. Requiring the declaration allows poll workers to identify other names that the candidate may go by, therefore potentially allowing us to credit the candidate with more write-in votes.

On behalf of the Vermont Municipal Clerks and Treasurers Association, I value the time and attention that you are giving to this, and I appreciate that you are inviting members of the VMCTA to provide documents and testimony. I encourage you to continue to listen to all testimony, as the town clerks are on the forefront of every election.

I am happy to answer questions and I will submit my statement in writing to your Committee Assistant.

Thank you!