

1
2
3
4
5
6
7

8
9
10
11
12
13
14
15
16
17
18
19
20

H.47

Introduced by Representative Keenan of St. Albans City

Referred to Committee on

Date:

Subject: Elections; conduct of elections; vote by mail

Statement of purpose of bill as introduced: This bill proposes to require a town clerk to mail an early voter absentee ballot to each registered voter of the town.

An act relating to voting by mail

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

Sec. 1. 17 V.S.A. § 2103 is amended to read:

§ 2103. DEFINITIONS

As used in this title, unless the context or a specific definition requires a different reading:

(1)(A) ~~“Early or absentee voter”~~ “Absentee voter” means any voter of the State who, because of his or her circumstances, would not be able to receive, mark, or return the early voter absentee ballot mailed by the town clerk pursuant to section 2530 of this title and who has requested an early voter absentee ballot ~~as provided in subchapter 6 of chapter 51~~ pursuant to section 2531 of this title.

(B) “Early voter” means any voter of the State who returns his or her marked early voter absentee ballot, mailed by the town clerk pursuant to

1 section 2530 of this title, either prior to the election or to the polling place on
2 election day.

3 * * *

4 Sec. 2. 17 V.S.A. § 2478 is amended to read:

5 § 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND
6 FURNISHED

7 (a) For primary and general elections, the Secretary of State shall furnish
8 each town with a ~~sufficient~~ number of printed ballots approximately equal to
9 100 percent of the number of voters on the checklist for the primary election to
10 be used as early voter absentee ballots, and a sufficient number of printed
11 ballots for voters choosing to vote in person based on the history of voter
12 turnout in the town and in consultation with the town clerk.

13 (b) ~~For general elections, the Secretary of State shall furnish each town~~
14 ~~with a number of printed ballots approximately equal to 100 percent of the~~
15 ~~number of voters on the checklist for the primary election. [Repealed.]~~

16 * * *

17 Sec. 3. 17 V.S.A. § 2479 is amended to read:

18 § 2479. MANNER OF DISTRIBUTION

19 (a) Not later than 45 days before the election, the ~~secretary of state~~
20 Secretary of State shall furnish the prepared ballots to the clerk of each town.
21 Ballots shall be sent in securely fastened packages by mail or in some other

1 safe manner, with marks on the outside clearly designating the polling place
2 for which they are intended and the number of ballots enclosed.

3 (b) The town clerk shall:

4 (1) ~~store the ballots, except for ballots to be used as early or absentee~~
5 ~~voter or sample~~ early voter absentee ballots; in a secure place until ~~the day of~~
6 ~~the election, at which time the town clerk shall deliver them in sufficient~~
7 ~~quantities to the presiding officer in each polling place, together with any~~
8 ~~ballots prepared by the town clerk~~ he or she mails them to registered voters
9 pursuant to subchapter 6 of this chapter;

10 (2) store the ballots to be used for voters voting in person in a secure
11 place until the day of the election, at which time the town clerk shall deliver
12 them in sufficient quantities to the presiding officer in each polling place,
13 together with any ballots prepared by the town clerk; and

14 (3) maintain the sample ballots in accordance with sections 2522 and
15 2523 of this chapter.

16 Sec. 4. 17 V.S.A. § 2530 is added to read:

17 § 2530. BALLOTS TO BE MAILED TO REGISTERED VOTERS; EARLY

18 VOTERS

19 (a) For each primary and general election, the town clerk shall mail by
20 nonforwardable mail early voter absentee ballots, envelopes, and instructions
21 described in this subchapter not sooner than the 18th day before the date of an

1 election and not later than the 14th day before the date of the election, to each
2 registered voter of the town as of the 21st day before the date of the election.

3 (b) A voter who is eligible to have his or her name placed on the checklist
4 after the date the town clerk has mailed to voters the official ballots may apply
5 for an early voter absentee ballot. Upon such an application, the town clerk
6 shall make an early voter absentee ballot, envelope, and instructions described
7 in this subchapter available either by mail, at the town clerk's office, or at
8 another place designated by the town clerk.

9 (c) The town clerk shall, upon application, issue a duplicate early voter
10 absentee ballot if the voter did not receive the original ballot within a
11 reasonable period of time after the ballot was mailed. The application may be
12 made by a person entitled to apply for an early voter absentee ballot as set forth
13 in subsection 2532 of this chapter and shall be accompanied by a sworn
14 statement affirming that the voter has not received the original ballot. If a
15 duplicate early voter absentee ballot is issued and both the duplicate and
16 original early voter absentee ballots are received before the close of the polls
17 on election day, the ballot with the earlier postmark shall be counted. The
18 town clerk shall keep a record of each duplicate ballot provided under this
19 subsection.

20 (d) An early voter shall file any applications for an early voter absentee
21 ballot with the town clerk of the town in which the early voter is registered to

1 vote. The town clerk shall file written applications and memoranda of verbal
2 applications in his or her office, and shall retain the applications and
3 memoranda for 90 days following the election, at which time they may
4 be destroyed.

5 (e) An early voter may:

6 (1) return his or her marked early voter absentee ballot prior to
7 the election;

8 (2) return his or her marked early voter absentee ballot to the polling
9 place on election day; or

10 (3) vote in person.

11 Sec. 5. 17 V.S.A. § 2531 is amended to read:

12 § 2531. ABSENTEE VOTER; APPLICATION FOR EARLY VOTER

13 ABSENTEE BALLOT

14 (a) A voter who expects to be an ~~early or~~ absentee voter, or an authorized
15 person on behalf of such voter, may apply for an early voter absentee ballot
16 until 5:00 p.m. or the closing of the town clerk's office on the day preceding
17 the election.

18 (b) All applications shall be filed with the town clerk of the town in which
19 the ~~early or~~ absentee voter is registered to vote. The town clerk shall file
20 written applications and memoranda of verbal applications in his or her office,

1 and shall retain the applications and memoranda for 90 days following the
2 election, at which time they may be destroyed.

3 (c) ~~Voting~~ An absentee voter may only vote by early voter absentee ballot
4 ~~shall be allowed only~~ in elections using the Australian ballot system.

5 Sec. 6. 17 V.S.A. § 2532 is amended to read:

6 § 2532. APPLICATIONS; FORM

7 * * *

8 (b) A person temporarily residing in a foreign country who is eligible to
9 register to vote in this State, or a military service absentee voter who is eligible
10 to register to vote in this State, may apply for early voter absentee ballots in the
11 same manner and within the same time limits that apply for other ~~early or~~
12 absentee voters. An official federal postcard application shall suffice as a
13 simultaneous request for an application for addition to the checklist and for an
14 early voter absentee ballot, when properly submitted. Any other person also
15 may make a simultaneous request for an application for addition to the
16 checklist and for an early voter absentee ballot.

17 * * *

18 (d) An application for an early voter absentee ballot shall be valid for only
19 one election, unless specific request is made by an ~~early or~~ absentee voter that
20 the application be valid for both a primary election, excluding a presidential

1 primary, and the general election next following, as long as both ballots are to
2 be mailed to the same address.

3 (e) A person residing in a ~~state~~ State institution may apply for early voter
4 absentee ballots in the same manner and within the same time limits that apply
5 for other ~~early or~~ absentee voters.

6 (f) The town clerk ~~may~~ shall, upon application, issue a duplicate early voter
7 absentee ballot if the ~~original ballot is not received by the voter~~ absentee voter
8 did not receive the original ballot within a reasonable period of time after
9 ~~mailing~~ the ballot was mailed. The application may be made by a person
10 entitled to apply for an early voter absentee ballot under subsection (a) of this
11 section and shall be accompanied by a sworn statement affirming that the voter
12 has not received the original ballot. If a duplicate early voter absentee ballot is
13 issued and both the duplicate and original early voter absentee ballots are
14 received before the close of the polls on election day, the ballot with the earlier
15 postmark shall be counted. The town clerk shall keep a record of each
16 duplicate ballot provided under this subsection.

17 * * *

18 Sec. 7. 17 V.S.A. § 2532a is amended to read:

19 § 2532a. MOBILE POLLING STATIONS; ABSENTEE VOTERS

20 Notwithstanding any other provision of this chapter to the contrary, the
21 ~~secretary of state~~ Secretary of State may authorize a town clerk to establish a

1 mobile polling station at which two or more election officials who are not all
2 members of the same political party shall make absentee ballots available. The
3 town clerk shall notify the public of the mobile polling station three days prior
4 to operation by posting at the town clerk's office and at the mobile polling
5 station site the date and hours that the mobile polling station will operate. The
6 ~~secretary of state~~ Secretary of State shall establish procedures that ensure that:

7 * * *

8 (3) upon the closure of the mobile polling place, the election officials
9 shall immediately return the ballot envelopes, list of names, and any unvoted
10 ballots to the town clerk who shall add each voter's name to the list of early or
11 absentee voters and commingle the envelopes with other returned early voter
12 absentee ballot envelopes in the vault. Ballots that are returned along with a
13 new voter registration form shall be kept in a secure place in the vault until the
14 registration process has been completed and then processed as in this
15 subdivision.

16 Sec. 8. 17 V.S.A. § 2534 is amended to read:

17 § 2534. LIST OF EARLY OR ABSENTEE VOTERS

18 (a) The Secretary of State shall make accessible for each primary election,
19 presidential primary election, and general election a statewide list of voters
20 who have ~~requested~~ returned an early voter absentee ballot. The list shall

1 contain the State voter identification number, name, registration address,
2 address the ballot was mailed to, and legislative district of each voter.

3 (b) Upon receipt of ~~the valid applications~~ a returned early voter absentee
4 ballot, the town clerk shall update the Secretary of State's statewide list of
5 early or absentee voters by a method approved by the Secretary of State.

6 Sec. 9. 17 V.S.A. § 2535 is amended to read:

7 § 2535. FORM OF EARLY VOTER ABSENTEE BALLOTS AND
8 ENVELOPES; FEDERAL OR MILITARY REQUIREMENTS

9 * * *

10 (c) Envelopes, including return envelopes, containing early voter absentee
11 ballots may, as circumstances require, be particularly imprinted, stamped, or
12 superscribed with approved identification words or symbols designating the
13 same as ~~"Vermont Official Early or Absentee Voter Ballot"~~ "Vermont Official
14 Early Voter Absentee Ballot" and with such additional words or devices as are
15 necessary to comply with any censorship regulations or rules which may be in
16 effect at the time of mailing.

17 Sec. 10. 17 V.S.A. § 2537 is amended to read:

18 § 2537. ~~EARLY OR~~ ABSENTEE VOTING IN THE TOWN CLERK'S
19 OFFICE

20 ~~A~~ An absentee voter may, if he or she chooses, apply in person to the town
21 clerk for the early voter absentee ballots and envelopes rather than having them

1 mailed as required by section 2539 of this title. In this case, the clerk shall
2 furnish the early voter absentee ballots and envelopes when a valid application
3 has been made. The voter may mark his or her ballots, seal them in the
4 envelope, sign the certificate, and return the ballots in the sealed envelope to
5 the town clerk or an assistant town clerk, without leaving the office of the town
6 clerk, or the voter may take the ballots and return them to the town clerk in the
7 same manner as if the ballots had been received by mail. No person, except
8 justices of the peace as provided in section 2538 of this title, may take any
9 ballot from the town clerk on behalf of any other person.

10 Sec. 11. 17 V.S.A. § 2538 is amended to read:

11 § 2538. DELIVERY OF ABSENTEE BALLOTS BY JUSTICES OF THE
12 PEACE

13 (a)(1) In the case of persons who are ~~early-or~~ absentee voters due to illness
14 or physical disability, ballots shall be delivered in the following manner unless
15 the ~~early-or~~ absentee voter has requested pursuant to section 2539 of this ~~title~~
16 chapter that the early voter absentee ballots be mailed.

17 * * *

18 (c) Each pair of justices on the days they are assigned to deliver the ballots
19 and envelopes, shall call upon each of the ~~early-or~~ absentee voters whose name
20 appears on the part of the list furnished to them and shall deliver early voter
21 absentee ballots and envelopes to each ~~early-or~~ absentee voter. The ~~early-or~~

1 absentee voter shall then proceed to mark the ballots alone or in the presence
2 of the justices, but without exhibiting them to the justices or to any other
3 person, except that when the ~~early or~~ absentee voter is blind or physically
4 unable to mark his or her ballot, they may be marked by one of the justices in
5 full view of the other.

6 Sec. 12. 17 V.S.A. § 2539 is amended to read:

7 § 2539. MAILING OF EARLY VOTER ABSENTEE BALLOTS; VOTERS
8 WHO ARE PERMANENTLY DISABLED

9 (a) Unless the ~~early or~~ absentee voter votes in the town clerk's office, or
10 unless the justices are to deliver the early voter absentee ballots to the ~~early or~~
11 absentee voter, the town clerk shall provide to the ~~early or~~ absentee voter who
12 comes to the town clerk's office a complete set of early voter absentee ballots
13 or mail a complete set of early voter absentee ballots to each ~~early or~~ absentee
14 voter for whom a valid application has been filed. The early voter absentee
15 ballots shall be mailed forthwith upon the filing of a valid application, or upon
16 the town clerk's receipt of the necessary ballots, whichever is later.

17 (b) In the case of persons who are ~~early or~~ absentee voters due to illness or
18 physical disability, if the voter or authorized person requests in his or her
19 application or otherwise that early voter absentee ballots be mailed rather than
20 delivered by justices of the peace, the town clerk shall mail the ballots;
21 otherwise the ballots shall be delivered to such voters by justices of the peace

1 as set forth in subsection 2538 of this chapter. In the case of all other ~~early or~~
2 absentee voters, the town clerk shall mail the early voter absentee ballots,
3 unless the voter chooses to apply and vote in person at the town clerk's office.

4 * * *

5 Sec. 13. 17 V.S.A. § 2540(b) is amended to read:

6 (b) In the case of early or absentee voting in a primary, the instructions
7 shall also include appropriate instructions prepared by the ~~secretary of state~~
8 Secretary of State for separating and depositing unvoted ballots in a separate
9 envelope provided and clearly marked for that purpose.

10 Sec. 14. 17 V.S.A. § 2542 is amended to read:

11 § 2542. SIGNING CERTIFICATE

12 (a) There shall be printed on the face of the envelope provided for use in
13 returning early voter absentee ballots a certificate in substantially the following
14 form:

15 "~~Early or Absentee Voter Ballots~~ Early Voter Absentee Ballot of

16 _____"

17 (print your name)

18 I, _____, solemnly swear or affirm that I am a
19 resident of the town (city) of _____, State of Vermont, and that I
20 am a legal voter in this town (city).

21 _____

1 (your signature)

2 * * *

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

4 § 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN
5 BALLOT BOX

6 (a)(1)(A) No sooner than 30 days before the opening of polls on election
7 day, the town clerk of a municipality with at least 300 registered voters on its
8 checklist may direct two election officials working together to open the outside
9 envelope in order to sort early voter absentee ballots by ward and district, may
10 data enter the return of the ballots by the voter, may determine that the
11 certificate has been signed, and may place the inside envelopes in various
12 secure containers to be transported to the polling places on election day.

13 (B) No sooner than 48 hours before the opening of polls on election
14 day, a town clerk in all other municipalities may direct two election officials
15 working together to open the outside envelope and remove the certificate
16 envelope in order to determine that an early voter absentee ballot certificate
17 has been properly signed by the early or absentee voter, and that the name of
18 the early or absentee voter appears on the checklist.

19 (2) The election officials shall check the name of the early or absentee
20 voter off the entrance checklist and place the sealed envelope into a secure

1 container marked “checked in early voter absentee ballots” to be transported to
2 the polling place on election day.

3 * * *

4 (b) The town clerk or presiding officer shall deliver the unopened early
5 voter absentee ballots to the election officials at the place where the entrance
6 checklist is located.

7 * * *

8 (2) If the ballots have not been previously checked off the entrance
9 checklist and if an election official determines that the certificate on the
10 envelope is signed by the early or absentee voter, the name of the early or
11 absentee voter appears on the checklist, and the early or absentee voter is not a
12 first-time voter in the municipality who registered by mail, the election official
13 shall mark the checklist, open the envelope, and deposit the ballot in the proper
14 ballot box or vote tabulator.

15 (3) If the early or absentee voter is a first-time voter who registered by
16 mail, the election official shall determine whether the identification required
17 under subdivision 2563(1) of this title has been submitted by the voter. Upon
18 ascertaining that the proper identification has been submitted by the voter, the
19 election official shall mark the checklist, open the envelope, and deposit the
20 ballot in the proper ballot box or vote tabulator. If the proper identification has

1 not been submitted, the ballot shall be treated as a provisional ballot, as
2 provided in subchapter 6A of this chapter.

3 * * *

4 Sec. 16. 17 V.S.A. § 2548 is amended to read:

5 § 2548. VOTING IN PERSON

6 * * *

7 (b) A person who in good faith has received early voter absentee ballots for
8 his or her use but has not yet marked them, if he or she is able to vote in
9 person, may cast the early voter absentee ballots as provided above, or may
10 vote in person after returning the complete set of unmarked ballots, together
11 with the envelope intended for their return, to the presiding officer at the time
12 the voter appears to vote in person. If a person does not have his or her early
13 voter absentee ballots to return, the person shall be checked off the checklist
14 and permitted to vote only after completing a sworn affidavit that he or she
15 does not have his or her early voter absentee ballots to return. The presiding
16 officer shall return the unused early voter absentee ballots and envelope to the
17 town clerk, who shall make a record of their return on the list of early or
18 absentee voters and treat them as spoiled or unused ballots, pursuant to section
19 2568 of this title.

1 Sec. 17. 17 V.S.A. § 2704 is amended to read:

2 § 2704. BALLOTS

3 (a) For each presidential primary, the Secretary of State shall prepare and
4 distribute early voter absentee ballots to be mailed pursuant to section 2530 of
5 this title. An early voter absentee ballot shall:

6 (1) contain candidates for all major political parties;

7 (2) be titled “OFFICIAL VERMONT CONSOLIDATED
8 PRESIDENTIAL PRIMARY BALLOT,” followed by the date of the election;

9 (3) include the following instructions below the title: “Instructions to
10 Voters: To vote for a candidate whose name is printed on the ballot, mark a
11 cross (X) or fill in the oval at the right of that person’s name and party
12 designation. To vote for a candidate whose name is not printed on the ballot,
13 write the person’s name on the blank line in the appropriate block. The voter
14 shall vote for the candidates of one party only.”; and

15 (4) separate major political parties into sections alphabetically. Each
16 section shall:

17 (A) bear in print larger than any other print on the ballot the words
18 “VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID” in a
19 prominent place on the ballot;

20 (B) list candidates alphabetically by surname; and

1 (C) following the names of candidates, include a blank line for a
2 write-in candidate.

3 (b) A person voting in person at the primary shall be required to ask for the
4 ballot of the party in which the voter wishes to vote and an election official
5 shall record the voter's choice of ballot by marking the entrance checklist with
6 a letter code, as designated by the ~~secretary of state~~ Secretary of State, to
7 indicate the voter's party choice. The names of all candidates on the ballot
8 shall be listed in alphabetical order. Each voter may vote for one candidate for
9 the presidential nomination of one party, either by placing a mark opposite the
10 printed name of a candidate as in other primaries, or by writing in the name of
11 the candidate of the voter's choice.

12 Sec. 18. 17 V.S.A. § 2587 is amended to read:

13 § 2587. RULES FOR COUNTING BALLOTS

14 * * *

15 (b) If the voter marks more names than there are persons to be elected to an
16 office, ~~or~~ marks contradictory sides on any public question, or votes for more
17 than one party candidate on a consolidated presidential primary ballot, his or
18 her ballot shall not be counted for that office or public question.

19 * * *

20 Sec. 19. EFFECTIVE DATE

21 This act shall take effect on July 1, 2016.