

No. 44. An act relating to election day registration.

(S.29)

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

Sec. 1. 17 V.S.A. § 2142 is amended to read:

§ 2142. REVISION OF CHECKLIST

(a) The town clerk shall call such meetings of the board of civil authority as may be necessary before an election or at other times for revision of the checklist. ~~At least one meeting shall take place after the deadline for filing applications and before the day of an election, unless no applications have been filed which could take effect before that election.~~

(b) Notice of a meeting, along with a copy of the most recent checklist and a separate list of names which have been challenged and may be removed, shall be posted in two or more public places within each voting district and in the town clerk's office.

(c) A quorum of the board of civil authority shall be as provided in subdivision 2103(5) of this title, and written notice shall be provided to each member as established in 24 V.S.A. § 801.

Sec. 2. 17 V.S.A. § 2144 is amended to read:

§ 2144. ~~DEADLINE FOR~~ SUBMITTING APPLICATIONS

(a) ~~The town clerk shall not accept applications for persons' names to be placed on the checklist after 5:00 p.m. on the Wednesday preceding the day of the election. The town clerk's office shall be kept open on the Wednesday~~

~~preceding the day of the election from no later than 3:00 p.m. until 5:00 p.m., for the purpose of receiving applications for addition to the checklist. For purposes of this subsection, a mail application or an application submitted to the department of motor vehicles in connection with a motor vehicle driver's license or an application accepted by a voter registration agency shall be considered to have met the filing deadline established by this subsection if the application is postmarked, submitted, or accepted by 5:00 p.m. of the Wednesday preceding the day of the election~~ On any day other than the day of an election, the town clerk shall accept a person's application for his or her name to be placed on the checklist at the town clerk's office during all normal business hours.

(b) ~~If a person is not eligible to register prior to the voter registration deadline, but expects to be eligible on or before election day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice shall be filed prior to the voter registration deadline, and the town clerk shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith~~ On the day of an election:

(1) A person may submit an application for addition to the checklist to the presiding officer at the polling place of the town in which the person seeks to register during the hours of voting established by the board of civil authority

for that polling place. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.

(2) The presiding officer or his or her designated election official shall review all applications submitted at the polling place and shall approve those applications that meet the requirements of section 2121 of this chapter. Upon approval, the applicant's name shall be added to the checklist at the polling place, and the applicant shall be provided with the opportunity to vote in the election. The town clerk shall add the information in the application to the statewide voter checklist within five business days of the day of the election.

(3) If the presiding officer or the designated election official cannot determine from an application submitted on election day that an applicant meets the requirements of section 2121 of this chapter, the presiding officer shall immediately refer the application to any members of the board of civil authority, or its equivalent entity under any applicable charter, present at the polling place, who shall meet immediately and proceed under section 2146 of this chapter to determine whether the applicant meets the requirements of section 2121 of this chapter. For purposes of adding applicant's names to the checklist under this subdivision (3), a quorum of the board or its equivalent entity shall be as provided in section 2451 of this title. If the board rejects an applicant, it shall notify him or her at the polling place.

~~(c) If a person is not eligible to register prior to the voter registration deadline, and has submitted a written notice of intent to apply in accord with~~

~~subsection (b) of this section, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the early or absentee ballots cast by that voter shall be treated as other valid early or absentee ballots. [Repealed.]~~

~~(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in subsection 2640(b) of this title, the “day of election” shall be the first Tuesday in March. [Repealed.]~~

Sec. 3. 17 V.S.A. § 2144a is amended to read:

§ 2144a. REGISTRATION

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver’s license as provided in section 2145a of this ~~title~~ chapter.

(2) By completing a voter registration application at a voter registration agency.

(3) By delivering, during regular hours, or mailing a completed application form to the office of the clerk of the town in which the applicant claims to be a resident.

(4) By completing a voter registration application and delivering it to the presiding officer before the close of the polls at the polling place of the town in

which the person seeks to register. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.

Sec. 4. 17 V.S.A. § 2145 is amended to read:

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the Federal Election Commission or by the Secretary of State. The application form approved by the Secretary shall include:

* * *

(5) The following statement on applications provided by the Department of Motor Vehicles: “Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application ~~before the deadline~~ for registration.”

* * *

Sec. 5. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
VEHICLES

(a) An application for, or renewal of, a motor vehicle driver’s license shall serve as a simultaneous application to register to vote unless the applicant declines to sign the voter registration portion of the application.

(b) The voter registration portion of the motor vehicle driver’s license application shall provide and request the information required to be provided

under section 2145 of this ~~title~~ chapter and shall be in the form approved by the Secretary of State.

(c) An application for voter registration under this section shall update any previous voter registration by the applicant. Any change of address form submitted to the Department of Motor Vehicles in connection with an application for a motor vehicle driver's license shall serve to update voter registration information previously provided by the voter, unless the voter states on the form that the change of address is not for voter registration purposes.

(d) The Department of Motor Vehicles shall transmit voter registration applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the ~~close of the checklist for a~~ date of any primary or general election, whichever is sooner.

(e) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate municipalities.

Sec. 6. 17 V.S.A. § 2145b is amended to read:

§ 2145b. VOTER REGISTRATION AGENCIES

(a) Each voter registration agency shall:

(1) ~~Distribute~~ distribute voter registration application forms approved under section 2145 of this title;

(2) ~~Assist~~ assist applicants in completing voter registration application forms, unless the applicant refuses such assistance; and

(3) ~~Accept~~ accept completed voter registration applications and transmit completed applications to the Secretary of State not later than 10 days after the date of acceptance, or before the ~~close of the checklist for a~~ date of any primary or general election, whichever is sooner.

(b) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate municipalities.

* * *

Sec. 7. 17 V.S.A. § 2145c is amended to read:

§ 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER
PERSONS OR ORGANIZATIONS

Any person or any organization other than a voter registration agency that accepts a completed voter registration form on behalf of an applicant shall submit that form to the town clerk of the town of that applicant not later than seven days after the date of acceptance, or before the ~~close of the checklist for a~~ date of any primary or general election, whichever is sooner.

Sec. 8. 17 V.S.A. § 2147 is amended to read:

§ 2147. ALTERATION OF CHECKLIST

(a) Pursuant to section 2150 of this title, the board of civil authority or, upon request of the board, the town clerk shall add to the checklist ~~posted in~~ the town clerk's office the names of the voters added and the names omitted by

mistake and shall strike the names of persons not entitled to vote. The list so corrected shall not be altered except by:

* * *

(3) adding the names of persons who present ~~a copy of~~ a valid application for addition to the checklist of that town ~~that was submitted before the deadline for applications~~ or a copy thereof, and who otherwise are qualified to be added to the checklist;

~~(4) adding, at the polling place, the names of persons who sign a sworn affidavit prepared by the Secretary of State that they completed and submitted a valid application for addition to the checklist of that town before the deadline for applications and who otherwise are qualified to be added to the checklist;~~

[Repealed.]

* * *

(6) adding the names of persons who previously submitted an incomplete application ~~before the deadline for application~~ and who provide that information on or before election day.

(b) Any correction or transfer may be accomplished at any time until the closing of the polls on election day. Each voter has primary responsibility to ascertain that his or her name is properly added to and retained on the checklist.

Sec. 9. 17 V.S.A. § 2150 is amended to read:

§ 2150. REMOVING NAMES FROM CHECKLIST

* * *

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

* * *

(3) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with the required U.S. Postal Service language for requesting change of address information. Enclosed with the notice shall be a postage paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name. The notice required by this subsection shall also include the following:

(A) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the

change was within the area covered by the checklist, the voter should return the form to the town clerk's office ~~on or before the date upon which the checklist is closed under section 2144 of this title.~~ The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

* * *

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

* * *

Sec. 10. 17 V.S.A. § 2532 is amended to read:

§ 2532. APPLICATIONS; FORM

* * *

(c) If the request is received by the town clerk prior to the ~~voter registration~~ deadline for requesting early voter absentee ballots set forth in subsection 2144(a) section 2531 of this ~~title~~ chapter, the town clerk shall mail a blank application for addition to the checklist, together with a full set of early voter absentee ballots, to the person who has applied for early voter absentee ballots.

All such applications for addition to the checklist which are returned to the town clerk before the close of the polls on election day shall be considered and acted upon by the board of civil authority before the ballots are counted. If the application is approved and the name added to the checklist, the early voter absentee ballots cast by that voter shall be treated as other valid early voter absentee ballots.

* * *

Sec. 11. 17 V.S.A. § 2555 is amended to read:

§ 2555. PROVISIONAL BALLOT ENVELOPES

The clerk shall deliver to each polling place on the date of the election a sufficient number of provisional ballot envelopes printed with a voter attestation. The attestation shall include:

* * *

(2) An attestation by the provisional voter that he or she submitted a properly completed voter application form ~~before the application deadline~~. The attestation shall be signed by the provisional voter under penalty of perjury.

* * *

Sec. 12. 17 V.S.A. § 2556 is amended to read:

§ 2556. PROVISIONAL VOTING

(a) If an individual's name does not appear on the checklist and the individual claims to have submitted an application for the checklist ~~prior to~~

noon on the second Monday before the election and refuses to complete a new application in accordance with subdivision 2563(2) of this chapter, or if the individual's registration application has been rejected and the individual disputes that rejection, the election official shall allow the individual to vote provisionally.

(b) The provisional voter shall be given a ballot and an envelope with an attestation printed upon it, as described in section 2555 of this title, and shall complete the attestation on the envelope. Upon completion, the provisional voter shall seal the envelope and deposit it in a ballot box marked for the receipt of provisional ballots.

(c) A provisional voter who makes a false statement in completing the attestation, knowing the statement to be false, shall be subject to the penalties of perjury as provided in 13 V.S.A. chapter 65.

Sec. 13. 17 V.S.A. § 2563 is amended to read:

§ 2563. ADMITTING VOTER

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place.

(1) If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

~~(1)~~(A)(i) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter.

(ii) If the person is unable to produce the required information, the person shall be afforded the opportunity to ~~cast a provisional ballot, as provided in subchapter 6A of this chapter~~ complete a new application for addition to the checklist in accordance with section 2144 of this title.

(iii) The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

~~(2)~~(B) If the voter is not a first-time voter in the municipality, no identification shall be required, ~~the~~ The clerk shall place a check next to the

voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the name does not appear, the person shall be afforded the opportunity to complete an application for addition to the checklist in accordance with section 2144 of this title.

Sec. 14. SECRETARY OF STATE REPORT

(a) The Secretary of State shall consult with town clerks and report on or before January 15, 2016, to the Senate and House Committees on Government Operations with his or her proposed process and any recommendations or concerns regarding the following:

(1) permitting a town clerk to deposit in a vote tabulator on the day before an election any early voter absentee ballots he or she has received, while still complying with other provisions of election law;

(2) ensuring that all towns have Internet access at each polling place on the day of an election;

(3) permitting automatic voter registration through the Department of Motor Vehicles; and

(4) public service announcements that encourage people to register to vote prior to the day of an election.

(b) The report described in subsection (a) of this section shall also address:

(1) any improvements in the registration of voters through the Department of Motor Vehicles;

(2) other states that require identification for election day voter registration and whether Vermont should also require such identification; and
(3) any other recommendations regarding the administration of election day registration.

Sec. 15. EFFECTIVE DATES

This act shall take effect on January 1, 2017, except for Sec. 14 (Secretary of State report), which shall take effect on passage.

Date Governor signed bill: June 1, 2015