

Adding Names, Maintaining and Purging the Checklist **A Reference for Town Clerks and Boards of Civil Authority**

- **Deadline for Voter Registration/Adding Names to the Checklist--After July 1, 2003 the Deadline is the Second Monday before the Election**

Voter registration applications must be accepted as long as they are postmarked on or before the deadline or have been submitted or accepted by the Department of Motor Vehicles or any voter registration agency on or before the deadline. 17 V.S.A. §2144(a). Designated voter registration agencies are the Department of Social Welfare (ANFDC, Medicaid and food stamps), the Department of Health (WIC program), the Department of Aging and Disabilities and the Department of Mental Health.

If you receive a voter registration form that is for an address not in your town, please forward it promptly to the correct town clerk. These applications for the upcoming election are valid if they were postmarked on or before the Monday deadline (even though originally sent to the wrong clerk's office).

- **Day of Election--Voters who arrive but are not on the checklist**

If a voter arrives at the polling place and finds that her name is no longer on the checklist, the Town Clerk or BCA members present at the polling place must put the voter back on the checklist if the BCA determines that the person is still qualified to vote in that town and was removed from the checklist in error. See 17 V.S.A. §2150(d)(6).

If a person arrives at the polling place and has a copy of the voter application form submitted to a voter registration agency prior to the deadline for voter applications, or if the voter completes our Affirmation Form, and the BCA determines that she is otherwise eligible to vote, an election official may accept the copy of the application or the completed sworn affidavit, administer the Voter's Oath, if necessary, add her name to the checklist and allow her to vote. However, if the voter application was made after the second Monday before the election, the voter is not eligible to vote.

If a person arrives at the polling place, and the election officials do not believe the person is a resident of the town and cannot accept the sworn affidavit, the person must be offered a Provisional ballot to vote for candidates for federal offices. See Memorandum explaining 2003 changes to Vermont Election Laws for more details on Provisional Ballots.

- **Day of Election--Voters Who Have Moved Within A Municipality**

A voter who has moved from one address to another address within an area covered by the same polling place may vote, upon oral or written affirmation by the voter of his new address within the jurisdiction. 17 V.S.A. §2149(b)(1).

A voter who has moved from an area covered by one polling place to an area covered by another polling place within the same municipality may vote upon oral or written affirmation of his new address at the polling place for his new residence and the checklist should be corrected. 17 V.S.A. §2149(b)(2).

In order to correct the checklist, election officials at each polling place must have access to the entire checklist of the municipality, not just the checklist for that particular polling place. The access to the checklist can be done by: 1) a copy at each polling place; 2) computer access to the checklist; or 3) telephone to the clerk's office to verify status and correct the checklist.

- **Day of Election--Voters Who have moved to a new municipality**

A voter who has moved to a new town in the 17 days prior to an election must be permitted to vote in his previous town of residence if he is on the checklist. 17 V.S.A. §2122(b).

- **Removing Names from the Checklist/Purging**

Vermont's system of certifying the purging of checklists in odd-numbered years remains, but federal law requires that the biennial purge and any other systematic purges must be completed at least 90 days before any federal, state or local election. 17 V.S.A. §2150(b). Many Town Clerks and BCA's find that more frequent periodic reviewing of the checklist helps to remove names of persons who have left town.

At any time during any year, the Town Clerk can remove voters from the checklist as follows:

- Voters who have provided **written notice that he or she can be removed from the checklist.** (Some clerks send a nice letter to all sellers on Property Transfer Returns with a stamped postcard or letter with an envelope so the person can easily respond.)
- Voters who have applied to the checklist in another town county or state and the **Town Clerk receives a copy of the more recent voter application.**
- **Voters who submit a change of address to the Department of Motor Vehicles indicating that the change of address can be used for voting purposes.** These are the address changes on the white computer printed forms that you receive from the Secretary of State periodically. *You do not need to mail these folks a purge letter--you can take them off immediately upon receipt of the address change from our office. If you have not been taking these names off, go back through your files and remove them now.* Of course, as will all removals from the checklist you must keep the copy of the address change in your files and it is helpful to note the reason for removal in your checklist database if possible. (We will include a field for "removal notes" in the statewide checklist.
- **Town Clerk receives a death certificate or a public notice of death of a voter.** Public notice can be an obituary, memorial service or funeral announcement, etc.

Periodically, but not less than during the summer of each odd numbered year, the Board of Civil Authority must review the checklist to find those voters whose residency cannot be determined to be within the town or city. The BCA must then send first-class notices to voters whose residency may no longer be within the municipality. 17 V.S.A. §2150(d)(3)(A) and (B). In order to conform to federal law, the notice must include:

- pre-addressed, postage paid return card or letter with postage paid envelope;
- notice that if the voter has not changed his residence or has changed residence within the area covered by the checklist, the voter must return the pre-addressed, postage paid card **swearing or affirming under penalty of perjury** that he still lives in the town or city prior to the next voter registration deadline;
- notice that if the voter does not return the card, **written swearing or affirming of residence will be required at the polling place prior to voting;**
- information on how to continue to be eligible to vote if the voter has moved to another municipality. (Enclose a copy of the Vermont Application to the Checklist.)

Each municipality must send its purging notices with the proper language required by the U.S. Postal Service to have the correct new address supplied by the USPS. 17 V.S.A. §2150(d)(3). **Please check with your post master prior to printing the envelopes so you use the current language required by the USPS to request address correction.** The Board of Civil Authority must then mail any letter returned with an address

correction again to the new address.

If the voter returns the pre-addressed, postage paid card swearing or affirming the voter's continued residence in the municipality, the voter's name remains on the checklist. **If the voter returns the pre-addressed, postage paid card confirming that the voter no longer resides in the municipality, the Board of Civil Authority may remove the voter's name from the checklist.** 17 V.S.A.§2150(d)(4).

If the voter does not return the card, the Board of Civil Authority cannot remove the voter's name from the checklist until the day after the second general election in which the person has not voted after the notice was sent. 17 V.S.A.§2150(d)(5). For example: the Board of Civil Authority sends a purging notice to Jean Jones on August 20, 2003. If Jean never responds to the notice, the BCA cannot remove Jean Jones' name from the checklist until after the November General Election in 2006.

If a voter returns a card swearing that she is still a resident of the town, but facts known to the BCA indicate that she is not, the Board of Civil Authority will have to determine whether to challenge the claim of residency. If the BCA wishes to challenge the voter's assertion of residency, it may hold a hearing to determine if the voter is currently a resident of the town.

• **Local Record-keeping Requirements**

The Town Clerk and the Board of Civil Authority must keep detailed records of its proceedings for at least two years. 17 V.S.A.§2150(d)(7). Due to the federal requirement of waiting until two general elections have passed before you can remove a name, we strongly recommend that you keep all records for at least 4 years after a name has been removed from the list. These records are public, except for the month and day of birth and the Driver's License Number or last 4 digits of the Social Security Number (SSN). The records must include:

- in the case of each name removed from the checklist, a clear statement of the reason or reasons for which the name was removed,
- in the case of the updating of the checklist required by the biennial purge, the working copy or copies of the checklist used in the name by name review conducted to ascertain continued eligibility to vote,
- the total number of new registrations occurring during the period between general elections and the source of the applications (DMV, by mail, voter registration drive etc.),
- the total number of persons removed from the checklist during the period between the general elections, and
- lists of the names and addresses of all persons to whom notices were sent with an indication of whether or not each person responded as of the date that inspection of the records is made.

Checklist Data

Please note that state law specifically requires that the checklist contain the name and mailing address of each voter. 17 V.S.A.§2145(d). The law does not require that the checklist itself contain the physical location of the dwelling.

Federal Elections Commission Survey

Please also note that federal law (National Voting Rights Act of 1993 and 11 CFR 8.7) requires that each town complete a survey in the spring of each odd numbered year providing a variety of data regarding checklist maintenance. We are enclosing a copy of the 2003 survey for your reference. Please review and modify your record keeping so that you can provide the required information in the spring of 2005.

You will be pleased to know that as soon as we have the statewide checklist in full operation, we will be able to complete this survey from the information in the statewide checklist!

(Sample BCA Purge Letter)

(Print this on Town Letterhead or include a return address here)

TO: _____ (Name and address of voter who may no longer be
qualified to remain on the checklist in your town)

The board of civil authority has not been able to determine whether you are still a resident and otherwise eligible
to vote in _____. Please complete the form below and return this to the Town Clerks
Office in the enclosed preaddressed postage paid envelope. (Or please complete the enclosed postcard and
return to the Town Clerk's Office.)

If you continue to reside in the municipality you must return the enclosed card before the deadline for voter
registration for the next election. If you do not return the enclosed card, written sworn affirmation of
your residence will be required before you are allowed to vote.

For the purpose of voting the Vermont statutes provide the following definition of residency:
A "resident" is "a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling
place in the town indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with
that intent. If a person removes to another town with the intention of remaining there indefinitely, that person
shall be considered to have lost residence in the town in which the person originally resided even though the
person intends to return at some future time." 17 V.S.A.§2122(b).

If you have established residency in another municipality in Vermont, you may register to vote by calling or
visiting the clerk's office in that municipality to request that a voter registration form be mailed to you or you may
visit the clerk's office and apply in person. You may also register to vote when you apply for or renew a
driver's license through the Department of Motor Vehicles. In addition, voter registration is available through
the Department of Social Welfare, the Department of Health (WIC), the Department of Aging & Disabilities
and the Department of Mental Health.

Signature of Town Clerk or Chairman on behalf of the
Board of Civil Authority

The information below can be printed on the bottom of the purge letter, or a separate letter or postcard

Voter's Name: _____ E911 or Physical Address: _____

I am no longer a resident. Please remove my name from the checklist.

I swear or affirm under penalty of perjury that I still live at the address listed above. Please retain
my name on the checklist.

I am no longer living at the same address, but I swear or affirm that I am still a resident of this town and
I should be listed on the checklist at the following address:

(Mailing Address)

(E911 address or physical location of your residence)

Date: _____

Signature of Voter

(Survey must be completed in the spring of every odd numbered year for the preceding 2 year election cycle.)

Name of Town/City: _____

1. How many notices (17 V.S.A. §2150 letter and reply forms) did you send to voters whose residence could not be confirmed when you did the 2001 purge of your checklist (all notices sent between the 2000 and 2002 general elections)? _____
2. How many voters have been removed for any reason from your checklist between the 2000 and 2002 general elections? _____
3. How many responses did you receive to those notices to allow you to purge? _____
4. How many responses to confirm residency? _____
5. How many total applications have you received between the close of the 2000 general election and the close of the polls at the 2002 federal elections excluding duplicates? _____
6. Breakdown of Applications by Source

	<u>Total Applications</u>	<u>Duplicates</u>
Application received from:		
DMV (Dept of Motor Vehicles?)	_____	_____
Individual by Mail	_____	_____
All public assistance agencies?	_____	_____
State funded agencies serving persons with disabilities.	_____	_____
All Armed Services?	_____	_____
All other agencies designated by the state?	_____	_____
All other sources?	_____	_____

Thank you for your assistance!

Please Fax to (802) 828-5171

OR

Mail to: Elections Division

Office of the Secretary of State
 26 Terrace Street
 Montpelier, VT 05609-1101

Revised & Sent July 2003