



ELECTIONS BULLETIN

To: All Town and City Clerks
From: Kathy DeWolfe

IMPORTANT!!

Re: STATEWIDE CHECKLIST – LIST MAINTENANCE & completion of survey

Date: March 21, 2007

Survey Data on Exit Screen of Statewide Checklist -- YOU MUST COMPLETE THIS DATA ENTRY!

In response to requests from Town and City Clerks to make it easier for you to collect DATA required by federal law that our office must provide to the Federal Election Assistance Commission in March of every odd numbered year, we “built in” a place on the statewide checklist EXIT Screen for each clerk to data enter the number of duplication applications and the total number of applications received from various sources.

When we ran the report to complete the survey last month, it appears that EIGHTY-ONE (81) town and city clerks have not made ANY data entry into the categories of voter applications that automatically appears (so you can’t forget to click on it) when you go to Exit the statewide checklist. **We need your cooperation. Please complete the information requested on the EXIT Screen each time you log out of the statewide checklist. This survey information is required by federal law.**

LIST MAINTENANCE

OR, as frequently described in Vermont: **Challenging and Purging Voters**

In 1993, the National Voter Registration Act (NVRA) was enacted to make procedures for ADDING voters and REMOVING voters to voter registration checklists in all 50 states conform to the same rules.

ADDING VOTERS—The voter must be 18, U.S. Citizen, resident of your town/city, take voter’s oath.

In my experience in Vermont since 1999, most town and city clerks understand the procedures and rules that apply to ADDING voters to the checklist. However, it was recently called to my attention that some Boards of Civil Authority still believe that the BCA has the authority to ADD names. This law has been changed—it is the TOWN CLERK who ADDS names to the voter checklist, except in the very limited circumstances where the Town Clerk has a question about a voter application and therefore calls a meeting of the BCA.

EDITING VOTERS—When you get a change of address, name change, or find a DOB, you can edit (update) the data in the statewide checklist. By editing information on your voters when you find it, you will improve the data match capability if the voter moves to another town. Some clerks have had entrance checklist officials ask for DOB as voters come to vote and have been able to add many DOB’s to the list.

REMOVING VOTERS— There are a number of “tools” that can be used to remove voters. Some clerks and BCAs are not taking advantage of all the tools that can be used.

This failure to remove voters is the BIGGEST issue in list maintenance for Vermont. The U.S. Department of Justice sent a letter to Vermont last summer raising the issue that it appears that there are more names of voters on about 20 town and city checklists than there are persons over voting age population according to census figures. Although it is possible in some very small towns for the list to be “inflated” by persons who have moved from town directly to a nursing home or overseas and are therefore entitled to remain on the checklist while new folks move into town, in most Towns and Cities in Vermont, there are names of voters on Town and City voter registration checklists that meet the criteria to be removed, but who have not yet been removed.

This List Maintenance work must be accomplished in all towns and cities during 2007. The creation of the statewide checklist gives us all TOOLS that were not available 2 or 3 years ago to do this work.

For example, the Assistant Clerk in Burke has used the statewide checklist to look for voters who were on the challenged voter list in Burke to see if they had subsequently registered to vote in another Vermont town but had failed to complete the section on the application to notify past towns. **The clerk has been able to reduce the challenged voter list from 15% of the total checklist to a mere 6% of the total town checklist!**

Reasons for CLERK to Remove Voters Immediately from Active or Inactive to Purged/Archived—No need to send a challenge letter or for the BCA to meet for these reasons! You can do these immediately.

1. **Notice of Death** – Vermont law allows a town clerk to remove a voter from the voter checklist upon receipt of any notice of death—this is not limited to a Death Certificate (which are sometimes delayed or not sent from neighboring states)—it can be an obituary, public announcement, or a letter from family. The HAVA 2002 law also requires the VT Department of Health to notify the VT Secretary of State of death notices. Katie sends these notices to town and city clerks quarterly.

PLEASE remove voter names immediately upon notice of death—family members sometimes report that it is emotionally painful to see the name of a dead family member remaining on the checklist.

2. **Written Request of the voter**—This can come in many different forms. See 17 V.S.A. §2150(a)
 - The voter may sign a **DMV Change of Address Form** and check the box that the address change applies “for voting purposes,” i.e. applies to voter registration.
 - The voter may come into your office to do other business preparing to leave town and you can **ask the voter to sign a statement that he or she is leaving the town and consents to being removed** from the voter checklist. (You can use a copy of the challenge response letter.)
 - Some clerks send informal letters (with a challenge response letter form enclosed) to each voter who files a PTR (Property transfer Return) indicating the sale of the voter’s property in town and providing a new address in another jurisdiction and asking for the response to be returned. When voters are asked right away when they are moving, the voter is more likely to respond.

- **NEW !!!** Federal law authorizes **Clerks to remove voters if the voter is registered in another town or city and the voter history shows that voter registered more recently in the other town.** To do this:

Each Clerk can scroll alphabetically through the statewide checklist screen to look for duplicate names. (We suggest you try to do one letter of the alphabet each week or each time that you log into the statewide checklist.) If you find a voter name on your checklist that is also on the checklist in another town you can click on the voter to read the voter data to see if you believe this voter is the same person. If the voter REGISTERED TO VOTE MORE RECENTLY in the other town, YOU CAN PURGE THAT VOTER by selecting the reason “voter registered to vote in another town.” THIS IS THE PRIMARY REASON THAT CONGRESS REQUIRED THE CREATION OF A STATEWIDE CHECKLIST IN EACH STATE. Clerks need to start using this new resource to look for voters who can be purged from your checklist. One town (Burke) has reduced its list of challenged voters from 15% of its checklist to 6% of its checklist by using this technique.

As Clerk or Assistant Clerk, you can use the reasons and techniques above to immediately remove voters from Active or Inactive status to Purged/Archived. We estimate that there are over 8,000 voters that can be moved to the Purged/Archived status by clerks between now and July 1, 2007.

Reasons to ask Board of Civil Authority to send Challenge Letters -- This can be done **monthly or quarterly**— **We strongly recommend that you don't wait until September of odd-numbered years**—that is simply the time that the legislature requires Clerks to notify our office that list maintenance is being done.

In fact, many clerks tell us that by working together with the BCA on a regular basis to determine which voters may have moved from your town or city and sending challenge letters as soon as the move has been noticed, the number of responses from voters to the challenge letter is greatly increased.

Places you or BCA volunteers can look to find names of voters who may have moved include:

- Property Transfer Returns filed in your office – Many clerks review these monthly for filers who appear to have moved out of town.
- Returned mailings – Whenever any town department sends out mail and it is returned as undeliverable.
- NCOA (National Change of Address Files) – These can be purchased and run against the names and addresses in your checklist file. Newspaper articles, word-of-mouth notification from another town resident, telephone directories, street directories, etc. See 17 V.S.A. §2150(d) (2)
- Telephone or door-to-door canvasses can be done by members of the BCA to attempt to contact voters personally.

17 V.S.A. §2150(d)(3) authorizes the Board of Civil Authority to send a challenge letter to the voter who it has any reason to believe may have moved out of the town or city.

Many clerks have found that the sooner the challenge letter is sent, the more likely the person may return the response letter so that his or her name can be immediately removed from the checklist.

NOTE: USE THE “BATCH CHALLENGE LETTER” FEATURE ON THE STATEWIDE CHECKLIST TO GENERATE THE LETTERS TO VOTERS. This will record the date the voter is challenged. This will simplify the purging of voters after two general elections have passed if the voter has not responded to a challenge letter or participated in an election.

Rules to Remember AFTER voter has been sent a CHALLENGE LETTER

Some clerks are forgetting to use the AFFIDAVIT OF DOMICILE that is required to be completed by any voter who has been sent a challenge letter BEFORE the person is allowed to vote at the polling place. Please make sure copies of this form are given to your entrance checklist officials for each election. If a person that has been challenged requests an absentee ballot, he or she must be sent an Affidavit of Domicile with a note that the affidavit must be completed, signed, and returned with the voted ballot(s) or the ballot(s) will NOT be counted.

This state law was passed so that persons who move and have been sent a challenge letter, but refuse to return the response letter, cannot just keep voting absentee in a place of past residency. Please make a big note to yourself and your assistants:

AN AFFIDAVIT OF DOMICILE MUST BE INCLUDED IN THE PACKET OF ABSENTEE BALLOTS THAT ARE REQUESTED BY ANY CHALLENGED VOTER along with a note to the voter that unless the voter swears under penalty of perjury that he or she resides at a physical location within your town, and returns the completed affidavit of domicile, the ballots will not be counted. We suggest also including an application to the checklist with a note attached suggesting that the person register to vote in the town where he or she now resides.

This can be an important tool in persuading voters to complete the registration process in the town where the voter now resides. If the voter registers in the new town, you can remove him in your town!!!

SUMMARY

I hear town and city clerks repeatedly complain that checklists are INFLATED because of the NVRA passed in 1993. Yes, it is true that the federal law does force clerks to wait to remove the name if a voter does not respond to a challenge letter.

HOWEVER, each town and city clerk can take all of the steps outlined above to remove names OR have the BCA meet to challenge names according to state and federal law.

If you have discovered some additional methods to identify voters who have moved from your jurisdiction that we did not include on our list, please email me to share your techniques with other clerks.

If we all work together to look for duplicate voters and to challenge and remove names as allowed by law, I am confident that we can reduce the number of voters on the Vermont checklist by at least 5% if not more. This odd-numbered year is the time to do it!