



ELECTIONS BULLETIN

To: Town and City Clerks
From: Kathy DeWolfe
Re: Survey Thank You; HAVA Training; Voter Registration Checklist Maintenance
Date: April 8, 2009

Our office would like to extend our thanks for the hard work (and time) that every town and city put into completing the 2008 EAC Survey and our 2009 Town Meeting Day Survey. The EAC Survey was long and involved, and as staff in our office data entered every number you provided, we greatly appreciated the effort you made so that we could provide the data to the EAC. As you know, the 2009 Town Meeting Day Survey was sent as an email link to the online tool Survey Monkey. We received the fastest and most complete responses to this survey ever—thank you!

We have heard from seven towns that have newly elected clerks: Alburgh, Barnet, Fairfax, Mendon, Newfane, Pomfret, and Vershire. We will provide regional Statewide Voter Checklist (HAVA) trainings this spring for newly elected clerks, new assistant clerks, and returning clerk and assistants who want additional training. The complete new clerk training takes 2 to 2.5 hours and the refresher training usually takes 1.5 hours. In a few days, you will receive an email link to Survey Monkey for our survey called “HAVA Statewide Checklist Training Offered.” Please let us know your training needs by filling out the short online survey. We’ll use the survey data to set up dates and locations.

Now is a good time to make sure that your voter checklist is as accurate as possible, which means challenging and purging voters. While the Board of Civil Authority is required to review the voter registration checklist at least once in every odd numbered year to determine which voters no longer reside in your town or city, the BCA can also authorize the town clerk to send challenge letters to voters who have filed a property transfer return. Enclosed is a one-page (2-sided) guide for challenging and purging for you to use as a reference on your responsibilities for checklist maintenance. We have also enclosed a fun quiz on challenging and purging for you.

If you have not already done so following the General Election, use the batch purge feature of the statewide checklist to see if you have any inactive (challenged) voters who were sent a challenge letter prior to the November 2006 election and who have not responded or voted since the letter was sent. Print the list of voters and ask your Board of Civil Authority for permission to purge/remove the names of these voters.

Now is also a good time for a “New Year’s Resolution” about sending out challenge letters more frequently. Some town clerks have adopted a practice of sending out challenge letters to all persons who have filed a property transfer return in the preceding month that indicates that the seller(s) has a new address that is no longer in your town or city. Other clerks ask the BCA to designate a few members to review the voter checklist every 3 months to look for voters who have moved. These clerks report when a challenge letter is sent soon after the move, the chance of getting the response form back from the voter is greatly increased.

Our Elections Division staff is here to support you. Please call or email if we can help you.

Office of the VT Secretary of State – Elections Division

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Voter Registration Checklist Maintenance: Challenging and Purging Voters

Challenging Voters: One of the most important duties of the Board of Civil Authority is to work with the town clerk to maintain the voter registration checklist as accurately as possible. 17 V.S.A. §2150(d)(3) authorizes the Board of Civil Authority to send a “challenge letter” with a response form to any voter who it has any reason to believe may have moved out of the town or city. A “challenge letter” simply states that the BCA believes the voter has moved out of town and that the BCA is challenging the voter’s right to stay on the town voter registration checklist. The voter is asked to complete the response form and return it.

Whenever a BCA member becomes aware of a voter moving out of town, the BCA member should notify the town clerk. The BCA should meet quarterly to approve challenge letters or the BCA can authorize the town clerk to send challenge letters on its behalf. The National Voting Rights Act of 1993 establishes the procedures that all states must follow to keep the voter registration checklist accurate and to ensure that voters are not removed in error. After a challenge letter is sent, if the voter does not return the response form, and two general elections have passed in which the voter has not voted, the BCA can direct the town clerk to purge the voter from the checklist.

A “challenged” voter is a voter on your checklist who has been sent a challenge letter and response form in the mail. In order to track the voters that have been challenged, the Statewide Checklist edit voter screen provides a field to enter the date, a drop down list to select the reason that the voter is being challenged and a button to click to print the challenge letter and response form letter. The town clerk then mails the challenge letter including either the response form letter with a postage-paid return envelope or a preprinted postage paid postcard. (Preprinted post cards can be ordered from Eastern Systems Group by calling 800.223.0101 or toll-free fax 800.421.0101 and the bill will be sent to the Elections Division.) *Instructions on challenging and purging the voter within the Statewide Checklist can be found in your HAVA User Guide, pages 18-19 (challenging) and page 20 (purging). Instructions for restoring a challenged voter back to active is on page 21.*

After you save the changes to the edit screen, the voter will move from your active list into your inactive/challenged list. (In Vermont, the term “challenged” is used interchangeably with the term “inactive.”) A clerk must have BCA approval in order to challenge a voter, unless the BCA has voted to authorize the clerk to challenge voters on a regular basis.

We encourage you to work with the BCA to determine the best processes to use to discover which voters may have moved from your town or city so that you can send challenge letters as soon as possible. Here are some suggestions for ways to discover if a voter may have moved and should be challenged:

- **Property Transfer Returns**—Many clerks review these monthly to note sellers who provide a new address that indicates that the seller will no longer reside in town.
- **Returned Mailings** – Whenever any town department sends out mail and it is returned as undeliverable, this is an indication that you should challenge the voter. You MAY NOT PURGE a voter because mail was returned undeliverable—but this should prompt a challenge letter.
- **Official and Unofficial Public Records and Documents**—Newspaper articles, word-of-mouth notification from another town resident, telephone directories, street directories, etc.
- **Telephone or door-to-door canvasses** can be done by members of the BCA to attempt to contact voters personally.

Rule to remember AFTER voter is challenged: Affidavit of Domicile: If a challenged voter comes to vote or requests an absentee ballot, he must complete the Affidavit of Domicile before he is eligible to get a ballot and vote. Give copies of this form to your entrance checklist officials for each election. If a challenged voter requests an absentee ballot, he must be sent an Affidavit of Domicile along with the ballots 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.

Purging (removing) Voters: To “purge” a single voter in the Statewide Checklist, select the voter’s record and then click the “Purge” button to move the person off the active list and into your purged (history) list. If you have a number of voters to be removed following a general election, then use the “Batch Purge” feature in the Statewide Checklist. When you click on the batch purge button, you will see a list of all the voters who were sent challenged letters prior to two general elections and you can go down the list to check the voters that you want to purge.

Situations where the law authorizes the town clerk to purge a voter without requesting BCA approval:

- **Death** – Vermont law allows a clerk to purge 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. Additionally, Katie emails death notices from the Department of Health to town and city clerks quarterly. PLEASE remove voter names immediately upon notice of death—family members report that it is emotionally painful to see the name of a dead family member remaining on the checklist.
- **Voter Returns Response Letter**—If you sent a challenge letter to a voter and she returns the response letter letting you know she has in fact moved out of town, this written authorization from the voter allows you to purge her.
- **Voter Registers in Another Town** –Federal law authorizes the clerk to remove a voter if he has registered to vote in another town more recently. Every time you add a voter, you should use the “Check for Duplicates” button to see if the voter is registered somewhere else in Vermont and let that clerk know. You can also check to see if a voter who is already on your checklist has registered somewhere else in Vermont by checking the “Search the Statewide Checklist” checkbox when you are looking at your checklist. If you find a voter name on your checklist that is also on the checklist in another town, look at the voter’s “Voter History” to see when the voter registered to vote. 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.” Finally, if you receive an email or paper notice from another state notifying you that one of your voters has registered in their state, you may purge the voter.
- **Other Written Authorization from Voter**—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 is leaving town and consents to being removed from the voter checklist. (You can use a copy of the challenge response letter.) Some clerks send challenge 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, they are more likely to respond, and when you receive written response, you can purge the voter.
- **DMV Change of Address**—when you receive notification from our office that a voter has changed her address with DMV and checked the box that the address change applies “for voting purposes,” see what the voter’s new legal town of residence is. If it is not your town, you may purge her.

The BCA must authorize the town clerk to conduct a batch purge of voters after the general election:

- **Challenged, No Vote, No Response after 2 General Elections**—If you haven’t already, check to see if you have any inactive voters who were challenged before Nov. 2006. If these voters have not responded nor voted since they were challenged, they can now be purged after BCA approval. 17 V.S.A. 2150(d)(5) If you don’t remember if you have voters challenged before the 2006 General Election, use the Batch Purge feature on the Statewide Checklist. It will provide you with a list of voters to ask the BCA to approve for purging. (*Details are in your HAVA User Guide, page 20.*)

Challenging and Purging Quiz!

1. You run into Ginger’s mom at the store, and mom tells you that Ginger is having fun living in NYC; she moved last month. Mom says Ginger shouldn’t be on your voter list anymore. Can you purge her?
2. Jacob stopped in your office to check a property boundary. He tells you that he is in town on business, but moved to another town recently. You ask him to fill out a challenge letter response form, and he gladly indicates on the form that he no longer lives in town and signs his signature. Can you purge him?
3. The BCA asks you to send a challenge letter to Mr. Caldwell, after seeing him in the paper winning a fishing competition in his community—which was not your town. You send the letter and it comes back “Not at this address—forwarding time ended.” Can you purge Mr. Caldwell?
4. The Morse family is registered to vote in your town, and the whole family sold their house and moved to France. The last place they lived was your town, but they don’t own property or live in town anymore. Should you challenge or purge them?
5. One of your BCA members attended Mrs. T. Williams’ funeral, and lets you know. Can you purge her?
6. Delilah registered to vote in your town in 2007. You see on the Statewide Checklist that she is registered to vote in Another Town also, and her Voter History shows she registered there in 2005. Can you purge her?
7. You sent a challenge letter to Gregory, and he promptly sent back the response form, signing that he had moved out of town. Can you purge him?
8. You sent a challenge letter to Camilla, and she promptly sent back the response form, signing that she still resides in your town, at a new address a few streets over. Can you purge her?

-----fold here until you finish the quiz!-----

ANSWER KEY:

- 1) NO. Ginger may not be purged. You should immediately send a challenge letter—ask Mom for Ginger’s NYC address so you are likely to get a response!
- 2) YES. You have written authorization from the voter.
- 3) NO. You can either investigate to find a new address for him and send the challenge letter again, OR you can just wait until 2 general elections have passed since he has been challenged. Then he can be purged with BCA approval.
- 4) NEITHER. The Morse family’s last U.S. residence was your town, so they are eligible to remain on your checklist and continue voting as long as they continue to live overseas. Do not challenge or purge.
- 5) YES. Deceased voters should be purged as soon as possible to avoid additional pain for the family.
- 6) NO. She registered most recently in your town, so you must notify the other town that Delilah has now registered in your town and that she should be removed from the checklist in all previous towns.
- 7) YES. You have written authorization from the voter.
- 8) NO. Update her legal and mailing addresses, and restore her back to active.