

Vermont Presiding Officer Training – June 7, 2010

- I. Elections Divisions (800) 439-8683 (Toll free number can only be used M-F from 8 to 4:30)
 - A. David Crossman or Katie Karnas at kkarnas@sec.state.vt.us for election supplies, publications, copies of memos/forms at dcrossman@sec.state.vt.us or 828-0771
Melanie Hodge for election questions at mhodge@sec.state.vt.us or 828-0175
Kathy DeWolfe for questions at kdewolfe@sec.state.vt.us or 828-2304
 - B. Secretary of State website at <http://www.sec.state.vt.us>, then click on Elections
 - C. Elections Division Fax No. is (802) 828-5171 (for rep district clerk to send consent forms)
- II. Support for Town Clerks/Presiding Officers for Primary and General Elections -- Title 17
 - A. Elections Division Leadership and Support
 1. Elections Division provides (and posts) on our website a detailed Elections Calendar listing all the dates for activities during the election process.
 2. Elections Division will send the Warnings & Notice to Voters to all clerks to post at least 30 days prior to the election
 3. Elections Division sends email elections bulletins before all major deadlines to clerks to refresh memories of responsibilities in the next weeks or month.
 4. The 2010 Vermont Election Laws & Election Procedures will be mailed this week
 5. Eight Regional Election Workshops for Town Clerks & Board of Civil Authority members will review election day procedures, especially any new changes to the laws.
 6. If you can't find an election bulletin or form, look at our webpage for election officials--all bulletins and forms are posted there so you can download them.
 - B. VMCTA hosts a website and has designated mentors

Introduction: In 2004 and 2006 we focused on meeting new HAVA requirements; then in 2008 emphasis was on compliance with EAC Survey and other reporting requirements. In 2010, I had planned office to go back to emphasize the basics of Vermont law and review with Presiding Officers the various requirements that must be met both to comply with state and federal law but also to run a smooth, efficient election.

In October 2009, Congress enacted the MOVE Act to amend UOCAVA to provide more electronic options for military and overseas voters and to require at least 45 day ballot transit time for ballots before the Primary, General Election and any special elections (we have had no special elections in VT in the past 11 years).

So this presentation will review the 2010 Elections Procedures Guide with special emphasis on the Appendices and then we will give overview of the web based system that is under development to assist clerks in tracking absentee ballots and that will include a look up feature for military and overseas voters as now required by federal law.

III. Pre-Election Responsibilities of Town Clerks and Presiding Officers

- A. Maintaining the Voter Checklist -- Adding names, Changing addresses within town
 1. Registration Forms -- Application to the checklist & Motor Voter forms from DMV and other social service agencies—we continue to work with DMV to get better forms and better information.
 2. Copy of ID is ONLY required for 1st time registrations individually BY MAIL.
 3. As of January 2006, all applicants must provide Driver's License No.(or Personal Identification # issued by DMV, or if NONE, then last 4 digits of SSN, or if NONE, then an applicant will be assigned a special number by the Secretary of State's office.
 4. Clerk can approve additional of names and only refers to BCA if a town clerk has questions about qualifications of an applicant.
- B. Removing names for the statutory reasons -- Town Clerk can purge voter:
 1. Written notice of voter registration in another jurisdiction
 2. Death certificate, public notice of death, death notice from Dept. of Health
 3. DMV change of address notification (through VT SOS)
 4. Signed response to challenge letter or any other signed voter authorization to remove

C. Sending Challenge or Purge Letters--Board of Civil Authority & Town Clerk

1. In larger towns the BCA should meet 3 to 4 times per year to review checklists or the BCA can authorize the Town Clerk to send challenge letters based on PTRs, other public notice of voters leaving town, etc.
2. Clerks report that the sooner challenge letters are sent after a voter moves, the better the chance of receiving a signed response from voters.
3. Town Clerk can remove name if voter signs & returns response card/letter.
4. If voter does NOT return card, the law requires town clerk to mark the checklist and instruct entrance checklist officials to ask challenged voter to complete a sworn affidavit of physical location of his dwelling before voting or being sent an absentee ballot—(Make copies form in Appendix D of Election Procedures).

D. **Military and Overseas Voters** – New Requirements in MOVE Act amendments to UOCAVA

1. Persons serving in the military (whether overseas or in the U.S.) and Overseas citizens are entitled to register to vote in the town in which he or she last resided (principal dwelling place) immediately prior to joining the military or leaving the United States--regardless of whether the person was ever on the checklist before.

2. NEW: Military and Overseas voters may designate HOW the clerk must send the ballot—by email, fax, or mail. New Absentee Request forms can be downloaded from our website.

- If email is selected, email PDF of ballot as soon as VT SOS announces availability
- If Mail, send asap -- Post Office has special instructions for mailings to military voters
- You may offer the family or voter the opportunity to provide prepaid self addressed DHL, UPS or FED EX envelope

3. NEW: Each state is now required to provide a “free access system” for military and overseas voters to “look up” the status of absentee ballot requests and to find out if the voted returned ballot has been received back by the town or city clerk.

In order to accomplish this, the VT SOS has contracted to have a web-based application developed that will allow each town clerk to log on and data enter the required information for military and overseas voters. This application will also allow town clerk to use this system for tracking of absentee ballots for all voters if the clerk chooses to do so. This application will allow town clerks to enter data required for the 2010 EAC survey that must be completed after the general election.

The VT SOS Elections Division will notify town clerks as soon as the application is available for use. The password will be the same as the password used for the hava statewide voter registration checklist. The Election Division will send out instructions and be available for assistance as soon as it is ready for use which we hope will be the last week of July.

- Call meetings of BCA to decide which voters to send challenge notices (believe voter has left town) and then send challenge letters with response forms to each challenged voter
- Process absentee ballot requests & mailing -- Request must be received by 5 p.m. day before election -- If person becomes ill on Election Day it is too late to request an absentee ballot, but can offer curbside voting.
- Early voting in office—treated as absentee ballot—45 days before each election.
- Absentee ballots can only be taken by voter or mailed or for ill or disabled delivered by 2 JPs—cannot be taken from office by spouse or child or parent or anyone other than the voter for himself.
- In municipalities with at least 300 voters, two election officials may open outside envelopes, enter return of ballot, arrange envelopes by district, and in 48 hours before the election, check off names on Entrance Checklist.
- Make multiple copies of the polling place policy, sign policy, sworn affirmation to add to checklist, sworn affidavit of domicile, affidavit of undelivered or lost absentee ballots, Instructional “Vote for Not More than X” signs, and What Constitutes a Vote Rules (to take to each polling place)
- Make sufficient copies of entrance checklist and exit checklist (if your town still uses exit checklist)
- **Send Telephone Caller ID# for each polling place** to mhodge@sec.state.vt.us prior to Primary Election

IV. Pre-Election Responsibilities of Presiding Officer (generally the Town Clerk):

- Assign shifts & Election Day duties to BCA members & election officials -- **important** to assign officials with good focus, hearing and eyesight to the entrance checklist. When a voter is not checked off, or the wrong voter is checked off, it can be very time consuming and frustrating after the polls close to try to match the entrance checklist numbers with the number of ballots voted. It can also cause a court to call a new election if the election is contested and discrepancies exist that cannot be explained.
- With Town Clerk, establish policy for signs outside polls on election day -- persons must be allowed to stand holding signs (1st Amendment right) but Presiding Officer can set policy of no signs in ground or no signs affixed to building or if you allow signs to be placed in the ground, you can set reasonable rules as to location, size, and number of signs per candidate or issue
- With Town Clerk, develop a written policy to cover polling place activities and rules such as no cell phone usage, where poll watchers must sit, cannot hinder or impede voters at the entrance or exit checklist.

V. Pre-Election Responsibilities of the Board of Civil Authority:

- Appoint additional election officials as needed (this can include 16 and 17 year olds, who must be assigned 5 to work with another legal voter election official)
- Designate location of polling place(s) – must be accessible for the disabled – **PLEASE notify Melanie Hodge at mhodge@sec.state.vt.us of any change(s) to polling places (including emergency last minute changes) so we can change our listing on the website.**
- Designate time for opening the polling place(s) between 5 a.m. and 10 a.m. Most common opening hours are 6am, 7 am and 10 am.) All polls must close at 7pm.
- Designate pairs of JP's to deliver ballots to ill and disabled -- Both JPs must go in (not wait in the car), can offer assistance if requested, and make sure certificate is signed by voter

VI. Election Day Responsibilities of Presiding Officer or Town Clerk:

- Deliver returned Absentee Ballot Envelopes to the polling place. Number the boxes as 1 of 3, 2 of 3, 3 of 3 etc. AND make a note of the number of boxes on the Entrance Checklist. Make a note as each box is processed. This allows you to be certain that all boxes have been processed.
- Make arrangements for set up of polling place equipment, tables, ballot boxes, guardrails (control barriers or yellow caution tape) to keep observers and voters waiting to vote at least 6 ft from ballot booths and ballot boxes. (Every thing except tabulators and ballot boxes can be set up the day before.)
- Maintain order at the polls & outside the polls so no one (candidates, supporters, reporters) hinders or interferes with voters on way in or out -- Presiding Officer can use control barriers, yellow caution tape or signs. Have copies of policy on hand to give out to campaigners.
- Answer questions from poll workers and voters, check Elections Perspectives, Vermont Election Laws, or call Elections Division – 4 staff members will be available to answer your questions.
- Direct/manage the Counting of Ballots and completion of the Official Return of Votes.

VII. Election Day Responsibilities of Board of Civil Authority while polls are open (17 V.S.A. §2147):

- Add person to the checklist **if person was previously registered in your town and was removed from the checklist through inadvertence or error** -- make sure you get full addresses (you can ask the voter complete a new application).
- Add person to the checklist **if person presents a copy of a valid application to the checklist that was submitted prior to the deadline** (copy of DMV application or regular voter application to the checklist)
- Add person to the checklist **if person will sign the sworn affidavit prepared by the secretary of state that he submitted a valid application prior to the deadline and is otherwise qualified to be added to your checklist.** (Application may have been sent to mailing address town or otherwise misdirected.)

VIII. Election Day Responsibilities of all Election Officials while polls are open (including BCA):

- Require EVERY challenged voter to swear that he lives at an actual physical address in your town before voting -- this is important to maintain checklist integrity (Any voter with "I" for Inactive next to name on Entrance Checklist.)

- Require ID for 1st time Vermont voters who registered individually by mail (not from voter registration drives, DMV or other state agencies). Checklist will include a notation in the status column.
- Check voters off on **Entrance Checklist** – good eyesight, good hearing, and good focus are critical to avoid discrepancies with your final ballot count.
- **Refer persons** who are not on the checklist and NOT qualified to use the sworn affidavit to be added to your checklist to the Presiding Officer, Town Clerk, or Assistant Clerk assigned to handle provisional ballots. Because we have the sworn affidavit process in Vermont to allow a person who submitted a timely application to the checklist to be added to the checklist and vote a regular ballot, **Provisional ballots should only be used in exceptional cases—call our office for assistance if you are not sure on Election Day**. IF you provide a provisional ballot, it should be for a person who does not qualify for the sworn affidavit because he does not live in your town-- but insists on being given a provisional ballot and it should be marked as “Do Not Count”.
- If voter requested absentee ballots but comes to vote in person, if voter does not have absentee ballots to return, ask voter to complete the **affidavit of undelivered or lost ballots** before giving the voter ballots.
- Hand ballot(s) to voters (Make sure only one of each ballot—humidity can cause paper to stick.)
- Guide voters to the voting booths or to the ballot box/tabulators
- Clean out voting booths to remove political materials, left over stickers, and to make sure pen is available
- **Assist voters with Vote-by-Telephone System** (Dial # and enter poll worker code # and ballot code #.)
- Two election officials can assist a voter in marking ballot upon request or **voter can use person of his choice** or voter can use the telephone system.
- **Ballot box/tabulators-** The constable is no longer required by law to “guard the ballot box or tabulating machine. Please don’t stand too close to the ballot box or machine or voters fear you are noting how they are voting. This is the most frequent complaint call to our office. Each voter must be allowed to place his voted ballot in box or tabulator without assistance. Use control barriers to keep officials from crowding too close to tabulator. In the Primary Election, an election official may stand before voters reach the tabulator or ballot box and take the UNVOTED ballots and place them in the unvoted box.
- Process absentee ballots throughout the day by checking off entrance checklist, checking for voter signature, opening inside envelope, and placing ballot in ballot box or feed into tabulating machine.

IX. Presiding Officer and Election Official Responsibilities After the Polls Close on Election Day:

- **Count # of names** checked off on Entrance (and Exit, if any) Checklists and **count number of ballots** in ballot box or on tabulator tape and add the number of defective ballots that were not counted to get total of ballots voted. These two numbers should agree or be reconciled. If there is a discrepancy, make notes to explain, such as “2 more ballots than names checked—most likely, inattention at voter checklist”
- **Count votes on ballots** -- Voter intent in both hand count & tabulator towns -- tabulators must be set to reject ballots for "overvotes" to give the voter the opportunity to return the spoiled ballot & take a new ballot to mark correctly. In paper count towns, put up signs reminding voters to review and check ballots to make sure they have not voted for more than the "Vote for" number in each race.
- Pairs of Election officials count ballots in packs of 25 or 50 and complete a Tally Sheet that includes blanks, and spoiled. The Presiding officer must check the tally sheet before allowing pair to take another pack of ballots to be counted. If the tally is off, the pair must continue counting until the pair is certain that the tally totals match the # of ballots.
- **"What constitutes a vote"** -- the discussion of voter intent in Election Perspectives is now also expressed in a formally adopted rule. If pair of officials cannot agree on voter intent, it must be decided by all election officials present during counting. (No longer need to record names of dead or fictitious people as write-in names, but you will want to keep a running total of write-ins so your counts come out ok.)
- **Be certain that Tally Sheet count is correct (including blanks and spoiled) for each race before you give the tally sheet and ballots to the Presiding Officer** to add to the Summary Sheet.

X. Presiding Officer Responsibilities after the Polls Close on Election Day:

- Manage and direct the counting of ballots; answer procedural questions; complete summary sheets.
- With at least one other election official, complete the Official Return of Votes or you may secure the summary sheets and complete the ORV the next morning.
- With at least one other election official, place all voted ballots, and EXIT checklist in ballot bag(s) then seal and label the bag (We are providing new “guides” for packing the bags in 2008 Election Procedures.)
- Return vote tabulating machine or ballot box, telephone, and sealed ballot bags to TC to be stored in vault
- Arrange for voting booths, and any other materials to be returned to town office

XI. Town Clerk Responsibilities after the Polls Close on Election Day:

- Complete Official Return of Vote(ORV) for your town and **overnight mail** in prepaid envelopes to Secretary of State. Also hand deliver or mail ORV to County Clerk and to Representative District Clerk. Please PRINT or Type clearly. DO NO USE PENCIL. Please do not write over a number—cross out or white out so the number is clear for data entry.
- Review any Provisional Voter Envelopes and determine if person’s ballot should be counted, then forward the Provisional Voter Ballot Envelope to the Secretary of States office with your ORV
- Place ENTRANCE checklist in the vault and make available for copies
- Place vote tabulating machine, if using one, and all sealed ballot bags in vault. Ballots must be kept for 22 months after the Primary and General Elections.