Elections Training – 2024 Presidential Primary and Annual Meetings
2023 VMCTA Annual Meeting

Welcome and Introductions

Elections Team

- **Will Senning, Director at will.senning@vermont.gov or 828-0175**
- **Tammy Sink, Assistant Director at tammy.sink@vermont.gov or 828-3721**
- **Lori Bjornlund at lori.bjornlund@vermont.gov or 828-2464 for questions regarding election administration, VEMS user instructions, election results reporting, voting machines, and general election questions.**
- **J.P. Isabelle for questions regarding legal requirements for election administration, candidate petitions, warning and notice requirements, and general election questions at JP.isabelle@vermont.gov or 828-2304**
- **Dan Brown for voter registration, elections forms, elections supplies and general questions at dan.brown@vermont.gov or 828-0771**
- **Our Elections Division website is located at https://sos.vermont.gov/elections/**
- **Elections Division Fax No. is (802) 828-5171.**
- ***Please check your email regularly* during the election year for bulletins from our office. Email is our primary means of communicating with you. The bulletins contain important information and instructions (including step-by-step VEMS instructions) that you will need to conduct the election. They also often contain surveys from our office that are critical that you respond to. Thank you for watching your email carefully.**

Resources and Trainings

Resources

- Elections Division posts on our website a detailed Elections Calendar listing all the critical dates for activities and deadlines during the election process.
- The Vermont Election Procedures book is available on our website. (Good news – no election law updates last year. We often use this session to provide an update on changes to the law. We can focus on perfecting what is now in place in 2024.)
- Elections Division will send the Warnings & Notice to Voters to all clerks to post at least 45 days prior to the three statewide elections.
- Elections Division emails all clerks election bulletins before all major deadlines to refresh the memory and highlight responsibilities in the next weeks or month.
- VMCTA hosts a website and has designated mentors that can assist new clerks in mastering responsibilities
- VLCT – for member towns VLCT is a valuable resource for legal advice.
- VSBA and Agency of Education – are valuable resources for questions regarding school districts and school district elections.

Trainings

- Tabulator trainings this Fall for on set-up, operation, and maintenance.
- Accessible Voting System trainings this fall on set-up, programming, user experience, and maintenance of the system as well as accessible voting assistance.
- Regional Election Workshops for Town Clerks & Board of Civil Authority members will be held in June - July 2024 to review Election Administration procedures.
- Ongoing small-group VEMS training by request, minimum of five towns.

Contact Information

- Please make sure **ALL of your contact information** is up to date on our website. https://sos.vermont.gov/elections/town-clerks/. We rely on this for mailing ballots, envelopes, bulletins, and other information to you.
- Be sure to check your **polling place information** too! https://sos.vermont.gov/elections/voters/

Presidential Primary - March 5th, 2024

- There will potentially be **3 (or more) separate elections occurring simultaneously** (depending on the scheduling of your town and school annual meetings).
    - **Town/City annual meetings** (some of you mail ballots to all voters for these)
    - **School district annual meetings** (some school districts require the mailing of ballots, with the assent of the select boards in the member towns). School districts are responsible for the costs of conducting their elections.
    - **Presidential Primary** – We do not proactively mail ballots for the Presidential Primary, only for the GE in November.
    - **Others** such as career centers, waste and water districts.

- **Please Remember – For the Presidential Primary** voters must declare whether they are requesting a Democratic or Republican Ballot

  17 VSA 2704- *"A person voting at the [Presidential] primary **shall be required to ask for the ballot of the party** in which the voter wishes to vote and **an election official shall record the voter's choice** of ballot by **marking the entrance checklist** with a letter code."*

  *Note that you must mark the physical entrance checklist with the voter's choice. For early ballot requests the voter is required to indicate their choice and the printed checklist will display the voters choice.

- State law requires the voter to choose a ballot. This is the only election in Vermont in which a voter's party choice is recorded. Voters often get confused with the August

Primary, where they are sent all three ballots and which they vote is secret. You need to explain the law is different for the Presidential Primary.

"§ 2593. Participation to be entered on statewide checklist by town clerk
Not later than 60 days after an annual town meeting, primary election, presidential primary, or general election, the town clerk shall indicate on the town checklist of the statewide checklist ***each voter's participation, participation method, and political party of ballot taken****, if applicable, in that election by a method approved by the Secretary of State."*

Early/Absentee Voting

- Please remember to send **only 1 ballot (Democratic or Republican)** to absentee voters for the Pres Primary. Online absentee requests require the voter to select a ballot. DO NOT send both party ballots to voters.

- You can include other election ballots (town meeting, school meeting, etc.) in the same envelope. Sharing envelopes is ok.

- Participation needs to be tracked separately from your local elections.
    - You will need to create separate elections in VEMS, if using VEMS for local elections, and track participation separately, even if mailing together.
    - Some voters may only want to participate in one election. Participation for both required to be reported.

- Federal Law (UOCAVA) requires ballots for the Pres Primary to be sent to any voters with a pending request, no later than 45 days before the election.
    - We will have ballots and mailing envelopes to you no later than January 20th. Be on the look out for bulletins with information.
    - Many of these UOCAVA ballots are now sent electronically, through VEMS. You should encourage military and overseas voters to request this method if they have access to printers. It provides more time to return the ballot.
    - Requests for electronic delivery will be sent automatically by the system prior to the deadline.
    - We will provide detailed instructions via email for complying with this deadline.

- A physical ballot must be returned by the close of the polls.

- **Accessible Voting System - You must** have the accessible voting system set up and available on election day at the polling place (All statewide (Federal) elections). We have trainings coming up that most of you have signed up for.
    - You are not required to use the accessible system for your local elections.

Town Meeting / Other Annual Meetings

Each municipality – which include towns, cities, villages, school districts, union school districts, and other municipal districts, have an annual meeting. Many of these occur on the first Tuesday in March.

Your town may conduct its annual meeting from the floor (traditional floor vote) or by Australian ballot. Your town also may conduct some business by ballot, and other business from the floor. New clerks make sure to familiarize yourself with your voting methods for annual meeting.

The Presidential Primary, Town Annual Meeting, and School District Annual meeting are 3 separate elections. You may have voters that only want a Presidential ballot or who only want a town ballot.

- **Checklists / Participation**
  - Start thinking now about your checklist- 3 separate elections, 3 checklists
  - VEMS will track absentee requests and they will appear on the checklist
  - What works best for you and your town and your situation?
  - Excel format is flexible- add columns for each election

- **Envelopes / Ballots**
  - You are responsible for costs of local elections, including envelopes.
  - Do you need envelopes for local elections? New contract will have an option to purchase. You may order from whoever you choose. – Should use the election mail logo at a minimum.
  - You are also responsible for producing ballots. Hand count may be done in house. Tabulator ballots must be done by qualified print shop. More detail at tabulator trainings.
  - Ballots must be prepared no later than 20 days in advance.

Early / Absentee Voting

- You need to set up your local election(s) in VEMS in order for voters to be able to request a ballot for those elections through their MVP page. (You will also need to do so in order to enter your participation for your town, city, or village annual meeting, which is required by state law.)

- Early and absentee voting for local elections follow the standard request-based procedure, unless your town or city (or school district) has voted to mail ballots to all voters for local elections.

- Ballots must be sent to all with pending requests once ready (no later than 20 days), and on a rolling basis thereafter. May be combined with Pres Primary and school ballots where feasible and as requested by the voter.

- Floor meetings do not provide an opportunity for early/absentee voting. Articles may be amended on the floor during the course of voting, so early voting is impossible.

Petitions for Annual Meeting

Voters may request an article be placed on the Warning for voting at your annual meeting by submitting a petition to your office.

- The petition must contain signatures of five percent of the registered voters.
- It must be received by the selectboard or the school board at least 47 days prior to town meeting. 17 V.S.A. §2642(a)(3)(A).
- The petition language must appear on each page on which signatures are collected. 17 V.S.A. §2642(a)(3)(C)(ii)
- The petition must contain the printed name, signature, and street address of each voter who signed the petition. 17 V.S.A. §2642(a)(3)(C)(iii)
- Petitions may contain more than one proposed article. 17 V.S.A. §2642(a)(3)(C)(i)

Your role, as clerk, is to accept the petition and verify that it contains the required number of signatures of registered voters. The petition should then be referred to the selectboard as soon as possible for their review and determination of whether the article will be placed on the warning. The selectboard should consult with the town attorney if they are unsure as to the validity of a given article or whether a vote on the article would be binding.

Voter Registration

Adding Names to the Checklist

- Vermont law gives the town clerk the authority to add names to the checklist. If an application meets the requirements, the person's name must be added to the checklist within **three days** of the clerk receiving the application. §2144b.
- Voters may apply in person, by mail, or online (In VEMS – DMV applications, online registrations, address updates, town-to-town transfers.)
- Copy of ID is ONLY required for 1st time registrations individually BY MAIL or online (online only if DL# does not verify).
- 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.
- Clerk can approve the addition of names and only refers to BCA if a town clerk "<u>does not determine that an applicant meets the requirements</u>".

"2144b:
(a)(1) A town clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter. Once approved, application information shall be added to the statewide voter checklist within three business days of receipt by the town clerk's office.

(2) If an applicant has failed upon the date of the election to provide any information required upon the application form . . . the town clerk shall notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election. (c) If the town clerk does not determine that an applicant meets the requirements of section 2121 of this title, the clerk shall immediately forward the application to the board of civil authority, which shall meet in a timely manner . . . to determine whether the applicant meets the requirements of section 2121."

- If a town clerk is uncertain if a person meets the requirements, the clerk should request a meeting of the BCA to review any questionable applications.
- If the board denies the application, the clerk must send a notice with reason(s) for the denial to the person's last known address §2146(b). The rejection notice must inform the applicant that any person whose application to vote has been rejected or whose name has been removed from the checklist may appeal to Superior Court. §2148.

Removing Names from the Checklist – By law the clerk can immediately purge voter WHEN the clerk receives:

- Written notice of voter registration in another jurisdiction – in VEMS you receive notice of the transfer and have an opportunity to correct it.

- Death certificate, public notice of death, death notice from Dept. of Health

- DMV change of address notification (through VEMS)

- Signed response to a challenge letter or any other written voter authorization to remove.

Sending Challenge or Purge Letters - Board of Civil Authority & Town Clerk – (removing names based on change in residency is controlled by federal law, the Natl. Voter Reg Act (1993). This mandates the notice process that we refer to as the challenge letter.

- 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. Challenged voters will not be mailed a ballot in Nov.

- Clerks report that the sooner challenge letters are sent after a voter moves, the better the chance of receiving a signed response from voters.

- Town Clerk can remove name if voter signs & returns response card/letter.

- If voter does NOT return card, the law requires town clerk to mark the checklist and instruct entrance checklist officials to ask challenged voters to complete an affidavit of physical domicile (location of his dwelling) before voting or being sent an absentee ballot – (Make copies of the form, Appendix D in the Election Procedures, to bring to the polling place).