



# ***A Short Guide to Helping Voters Register Under Vermont Law***

## **WHO IS ELIGIBLE TO VOTE?**

In Vermont, an individual may register to vote and vote if, on Election Day, he or she:<sup>1</sup>

- Is a U.S. citizen;
- Is a resident of Vermont and the town in which the person registers his or her name on the checklist;
  - Resident means 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.<sup>2</sup>
  - A resident of an unorganized town, grant or gore may have the person's name placed upon the checklist in any town which is both in the probate district and in the representative district in which the person resides, and can vote in all elections in that town except local elections.<sup>3</sup>
  - Persons who live in a dormitory or other institution must include the dorm or building name and room number, not just a box number, because the campus may be split between more than one district.<sup>4</sup>
  - Persons who are homeless may register to vote in the town, and in the district within a town, that includes the place that the person considers the person's principal dwelling place. The definition of residency applies in the same way to someone who is homeless as it does to persons who own or rent their principal dwelling place.<sup>5</sup>
- Is at least 18 years of age; and
- Takes the voter's oath (or affirmation).

An individual who is otherwise qualified who will be 18 years old on or before the date of a general election may register and vote in the primary election immediately preceding that general election.<sup>6</sup> Applicants who are not yet 18 should not fill out the voter's oath, but they may take the oath on Election Day.<sup>7</sup>

If a person is not eligible to register prior to the voter registration deadline, but expects to be eligible on or before Election Day, he or she may file with the town clerk a written notice of intention to apply for addition of his or her name to the checklist. The notice must be filed prior to the voter registration deadline, and the town clerk must then accept the person's application at any time before the close of the polls on Election Day, and act upon the application forthwith.<sup>8</sup>

## **WHAT CONSTITUTES A COMPLETE VOTER REGISTRATION APPLICATION?**

Federal law<sup>9</sup> requires that each voter registration application include:

- The applicant's Driver's License or State ID number, or, if none,
- Last four digits of Social Security Number, or, if none
- The state will assign the applicant a number, and
- Check boxes for the applicant to indicate whether she is a U.S. citizen and will be 18 by Election Day.

Federal law authorizes states to require only such identifying information as "is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process."<sup>10</sup>



Vermont law requires the following information to be provided or the form will be considered incomplete:<sup>11</sup>

- Name
- Street address, or a description of the physical location of the applicant's residence
  - The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.
- Place and date of birth
- Town of legal residence
- Current and valid Vermont Driver's License Number or nondriver's identification number, or if none, the last 4 digits of the Social Security Number, if the applicant has one. If the applicant has neither, the state must assign the applicant a unique identifier.
- Signature of applicant, affirming eligibility and that all information on the application is accurate and truthful
- Voter's oath
  - An applicant can administer the oath to himself, or any person at least 18 years old may administer the oath to the applicant. If another person administers the voter's oath to the applicant, the person must execute the required written notification.<sup>12</sup>

## WHAT IS THE DEADLINE FOR SUBMITTING REGISTRATION APPLICATIONS?

Applications must be submitted or postmarked by 5:00pm on the Wednesday before an election in order for the applicant to be able to vote in that election.<sup>13</sup>

## WHAT ARE THE STATE RULES GOVERNING VOTER REGISTRATION DRIVES?

### BEFORE THE DRIVE

**A. Does the state require organizations conducting voter registration drives to register or file other information detailing its voter registration activities?**

No.

**B. Does the state require any training in order to conduct voter registration drives?**

No.

**C. Does the state have restrictions on who may help others register to vote?**

No.

**D. Does the state have restrictions on whether workers may be paid?**

No.

**E. Can canvassers or the voter registration drive offer something of value to a person in exchange for completing a voter registration application?**

Federal law states that whoever "pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years."<sup>14</sup> At least one federal appellate court has interpreted "payment" as "intended to include forms of pecuniary value offered or given directly to an individual voter, and indicated the value should be based on "an assessment of the monetary worth of an item from the perspective of the voter receiving the item." That case held that food vouchers could be "payment."<sup>15</sup>



Another example is California's Secretary of State's interpretation of the federal law to mean that "[a]ny type of incentive is considered 'payment,' even things as seemingly innocent as cookies or admission to an entertainment event."<sup>16</sup>

## DURING THE DRIVE

**A. *Are there special rules requiring the registration drive worker to sign her name to the completed voter registration application?***

No; however, a person who administers the voter's oath or affirmation to the applicant must sign the appropriate place on the application or sign some other written notification giving the person's name and the date the oath or affirmation was administered. However, an applicant may administer the oath to herself.<sup>17</sup>

**B. *Are voter registration groups prohibited from putting identifying marks on completed voter registration applications?***

This is not addressed in Vermont election law.

**C. *Are there restrictions on copying completed voter registration applications prior to submitting them to the registrar?***

This is not addressed in Vermont election law.

**D. *Are voter registration groups subject to time limits for submitting the voter registration applications they have collected?***

Yes. Any person or any organization other than a voter registration agency that accepts a completed voter registration form on behalf of an applicant shall submit that form to the town clerk of the town of that applicant not later than seven days after the date of acceptance, or before the close of the checklist for a primary or general election, whichever is sooner.<sup>18</sup>

**E. *What are the consequences for failing to submit voter registration applications on time?***

Vermont law does not address this issue.

**F. *How are completed voter registration forms tracked?***

A town clerk must review all applications to the voter checklist and approve those applications that meet the requirements. Once approved, application information must be added to the statewide voter checklist within three business days of receipt by the town clerk's office. If an applicant has failed upon the date of the election to provide any information required upon the application form, the town clerk must notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election.<sup>19</sup>

If the clerk does not determine that the applicant is eligible to register, the clerk must forward the application to the Board of Civil Authority, which must make a decision on the application.<sup>20</sup> As soon as possible, after receipt of an application, the board, or upon request of the board, the town clerk must inform an applicant of its action. If the board rejects an applicant, the board must notify the applicant of its reasons in person or by first class mail.<sup>21</sup>

**G. *Who is responsible for investigating and enforcing the state rules?***

The state's attorney in any county in which all or a part of any violation of Vermont's election laws was committed has authority to prosecute such violations. The prosecution must be conducted before the Vermont criminal division of the superior court.<sup>22</sup>

The Secretary of State is the chief state election official for purposes of the National Voter Registration Act of 1993.<sup>23</sup>



## WHAT ARE THE RULES FOR CORRECTING INCOMPLETE APPLICATIONS?

- A. If a voter registration application is incomplete, may the voter registration drive write the missing information on the application with the consent of the applicant?**

This is not addressed in Vermont election law.

- B. How may an applicant correct an incomplete application after it has been submitted to county election officials?**

If a person submitted an incomplete application before the deadline for application, the person's name may be added to the checklist if the person provides that information on or before Election Day.<sup>24</sup>

## WEB PAGE OF STATUTE

<http://www.leg.state.vt.us/statutes/chapters.cfm?Title=17>

For more information, contact:

### Project Vote

805 15th Street NW, Suite 250

Washington, DC 20005

(888) 546-4173

[www.projectvote.org](http://www.projectvote.org)

Last Revised 08/2014

## DISCLAIMER

The information contained in this document is for general guidance only. It should not be used as a substitute for consultation with professional legal or other competent advisers. Project Vote is not responsible for any errors or omissions, or for the results obtained from the use of this information.

---

<sup>1</sup> Vt. Stat. Ann. tit. 17 § 2121

<sup>2</sup> Vt. Stat. Ann. tit. 17 § 2122(b)

<sup>3</sup> Vt. Stat. Ann. tit. 17 § 2123

<sup>4</sup> Vt. Sec'y of State, *Voter Registration: Frequently Asked Questions*,

<https://www.sec.state.vt.us/elections/frequently-asked-questions/voter-registration.aspx> (last visited Aug. 11, 2014).

<sup>5</sup> Vt. Sec'y of State, *Voter Registration: Frequently Asked Questions*,

<https://www.sec.state.vt.us/elections/frequently-asked-questions/voter-registration.aspx> (last visited Aug. 11, 2014).

<sup>6</sup> Vt. Stat. Ann. tit. 17 § 2121(b)

<sup>7</sup> Vt. Sec'y of State, *Voter Registration: Frequently Asked Questions*,

<https://www.sec.state.vt.us/elections/frequently-asked-questions/voter-registration.aspx> (last visited Aug. 11, 2014)

<sup>8</sup> Vt. Stat. Ann. tit. 17 § 2144(b)

<sup>9</sup> Help America Vote Act of 2002 (HAVA) §§ 303(a), 303(b).

<sup>10</sup> National Voter Registration Act of 1993 (NVRA), 42 U.S.C. § 1973gg-7(b)

<sup>11</sup> Vt. Stat. Ann. tit. 17 §§ 2144b(a), 2145

<sup>12</sup> Vt. Stat. Ann. tit. 17 § 2124

<sup>13</sup> Vt. Stat. Ann. tit. 17 § 2144(a)

<sup>14</sup> 42 U.S.C. § 1973i(c).

<sup>15</sup> *United States v. Garcia*, 719 F.2d 99, 102-103 (5th Cir. 1983).



---

<sup>16</sup> California Secretary of State, Guide to Voter Registration Drives 10 (last revised Mar. 2013), <http://www.sos.ca.gov/elections/guides/guide-to-vr-drives.pdf>

<sup>17</sup> Vt. Stat. Ann. tit. 17 § 2124

<sup>18</sup> Vt. Stat. Ann. tit. 17 § 2145c,

<sup>19</sup> Vt. Stat. Ann. tit. 17 § 2144b(a), as amended by 2014 Vt. Act No. 161 (effective July 1, 2014).

<sup>20</sup> Vt. Stat. Ann. tit. 17 § 2144b(c)

<sup>21</sup> Vt. Stat. Ann. tit. 17 § 2146(b), as amended by 2014 Vt. Act No. 161 (effective July 1, 2014).

<sup>22</sup> Vt. Stat. Ann. tit. 17, § 2616

<sup>23</sup> Vt. Stat. Ann. tit. 17 § 2103(40)

<sup>24</sup> Vt. Stat. Ann. tit. 17 §§ 2147(a)(6), 2147(b), 2144b(a), as amended by 2014 Vt. Act No. 161 (effective July 1, 2014).