

Equal Access To Voting In Vermont

It's The Law

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Your Voting Rights

At-A-Glance

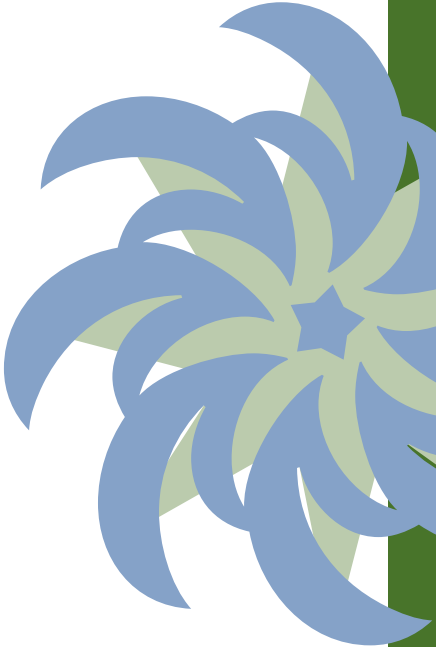
- **There are no special rules or competency standards that apply to people with disabilities who wish to vote in Vermont.**
- **Any voter may vote by early voter absentee ballot.**
- **Voters may have help.**
- **Voters may get a new ballot to correct a mistake.**
- **Towns must provide aids to enable voters with disabilities to vote independently.**
- **Polling places must be physically accessible or have a plan for access.**

And Remember:

- **A person must register to vote by 5:00 p.m. on the Wednesday preceding the election.** [17 V.S.A. §2144]

Contents

- Equal Access To Voting..... 4**
- Eligibility To Vote..... 7**
- Registering To Vote..... 8**
- Voting..... 10**
- Early Voter Absentee Voting..... 12**
- Accessibility Rights..... 14**
- Resolving Problems..... 16**



Equal Access To Voting

It's The Law



Vermont's election laws are designed to make it easy for all eligible Vermonters to vote and to register to vote.

People with disabilities have many options for registering to vote, and for getting assistance both when registering and when voting.



One of the specific purposes of Vermont's election laws is "to provide equal opportunity for all citizens of voting age to participate in political processes." [17 V.S.A. §2101.]

Many Vermonters are eligible to vote but do not know where and how to register and vote. Some Vermonters are discouraged from voting because they have physical or mental disabilities. Other Vermonters need some form of assistance, and some may be ill around the time of elections. There are some Vermonters who don't vote because they cannot get to (or into) sites where elections are held. All these concerns, and others, create barriers that keep people from exercising their right to vote.

Vermont's election laws are designed to make it easy for all eligible Vermonters to vote and to register to vote. People with disabilities, and other voters, have many options for registering to vote, and for getting assistance both when registering and when voting.

This short pamphlet is designed to educate voters and election workers about the laws that guarantee equal access to voting in Vermont. Except where indicated as applying to people with disabilities and the elderly, all of the following information is relevant to all Vermonters.

I want to thank Susan Sussman for her legal research that is the basis of this document.

Deborah L. Markowitz
Secretary of State

*The same rules apply to everyone
who wishes to vote in Vermont.*

**There are only four requirements
when you sign up to vote:**

- 1. U.S. citizenship**
- 2. Vermont residence**
- 3. Age 18 or older by election day**
- 4. Take the voter's oath**



Eligibility To Vote

The Same Rules Apply To Everyone

This means there are no special requirements or tests for people with disabilities to be eligible to vote or to register to vote.

The Four Requirements:

To be eligible to vote a person has to fill out a voter registration application form stating that he or she meets the four requirements to be legally qualified to vote. These four requirements are:

1. U.S. citizenship
2. Vermont residence
3. 18 years or older (by election day)
4. Voters must take the voter's oath on, or before, election day (stating that the person will vote his or her conscience and not be told how to vote by another person)

The Clerk Will Add You To The Checklist If The Four Criteria Are Met

The voter registration form will be submitted to the town where the person's main residence is located. The town clerk will then review the application and if the person meets the four requirements, the person's name will be added to the town's voter checklist.

There Are No Competency Standards For Voting In Vermont

There are no competency standards for voters in Vermont. This means that a person cannot be challenged on this basis. A town may ask someone to prove that s/he is 18, a citizen, and resides in the town where s/he wishes to register, but may not require this proof just because a person has a disability. [17 V.S.A. §2145(c); 17 V.S.A. §2146(a).]

A town cannot require people with disabilities to fill out any additional forms or ask them to answer additional questions about their registration application.

Registering To Vote

A Person Can Only Register To Vote In The Town Where He or She Lives

A person with more than one home is generally considered to live where the main home is located.

- If a person is in a hospital, nursing home, or other health care facility, or is otherwise temporarily absent from home, s/he can still vote (and register to vote) where s/he last lived.
- If the person moves permanently to a facility, (for example a group home or an assisted living or residential care facility,) then the person may register in the town where the home/facility is located. [17 V.S.A. §2122.]

Registration Deadline

A person can register to vote up until 5:00 p.m. on the Wednesday preceding the election. [17 V.S.A. §2144.] A person can even ask for an early voter absentee ballot at the same time s/he registers to vote. [17 V.S.A. §2532(c).]

How To Register To Vote

- **Get a Vermont voter registration form.** Voter registration forms are easily available from the town clerk, from the Secretary of State's website, from candidates, political parties and from many civic organizations. You will also be given an opportunity to register to vote when you apply for or renew a driver's license or from social service agencies that provide assistance to you or your family. Before an election there are many organized voter registration efforts.

Voter registration forms are easily available from the town clerk, from the Secretary of State's website, from candidates, political parties and from many civic organizations.

- **Fill out the form.** A person may ask for assistance in filling out the voter registration form. A voter registration form must be signed by the voter unless the voter is physically unable to do so. When a person is physically unable to sign his or her name on the voter registration form, he or she may mark an X or take an oath swearing to the statement on the form. This mark or oath has to be witnessed and attested to by someone such as a town clerk, a notary public, a justice of the peace, etc.
- **Return the registration form to the town clerk.** Once the registration form is filled out, it must be returned to the town clerk in the town where the voter lives. This can be done by the person or organization that initiated the registration or by the voter. The form can be hand delivered or mailed.
- **Voter registration agencies.** Many of Vermont's state offices and agencies that provide public assistance or services to individuals are voter registration agencies. Voter registration agencies are required to offer the people they serve an opportunity to register to vote. If a person requests help, the agency must help him or her fill out the voter registration form. This is true whether the service is provided in a government office or a person's home.
[17 V.S.A. §§2103(41); 2145b(a).]

Some examples of voter registration agencies are the offices of the Vermont Department of Disabilities, Aging and Independent Living, Vermont Department of Mental Health, community mental health agencies, vocational rehabilitation offices, and the Vermont Center for Independent Living.

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Voting

All Polling Places Must Be Accessible

Polling places (locations where voting in elections is done) must allow all voters to conveniently and privately cast their votes. This means that polling places should be accessible to all voters, including people with physical and mental disabilities, as well as the elderly. [17 V.S.A. §2502(b).]

All polling places in Vermont should be physically accessible. If you find a polling place that is not, you should notify the Secretary of State's Office who will work with the town to ensure that steps are taken to make it accessible. If you have a unique accessibility need, you should give the town reasonable advance notice so that the town can take steps to accommodate your needs.

Sick Or Disabled Voters May Choose Curbside Voting

Voters who are sick or disabled can ask that election officials bring a ballot to their car, as long as the car is next to the polling place. Two election officials will bring the ballot to the car, they will assist the voter if the voter requests assistance, and then they will return to the polling place and will place the completed ballot in the ballot box or vote tabulator.

[17 V.S.A. §§2502(b), 2569; Federal Voting Accessibility for the Elderly and Handicapped Act, 42 U.S.C. §1973ee.]

Voters May Get A New Ballot To Correct A Mistake

If a voter spoils a ballot (marks the ballot improperly), or decides to change how he or she voted before putting the ballot in the ballot box or vote tabulator, the person can ask for a new ballot. Every person is allowed to ask for a new ballot, up to three times, but can only cast one vote. [17 V.S.A. §2568.]

Polling places should be accessible to all voters, including people with physical and mental disabilities.

Voters May Have Help

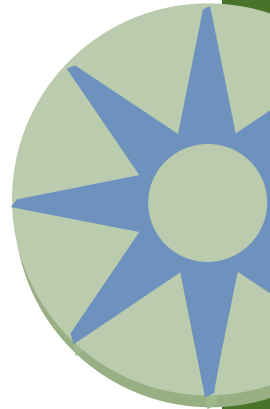
All voters have the right to have someone assist them in voting and voters may bring in devices, such as a magnifying glass, to help them vote.

- **A voter may bring a person in to help him or her.** The voter should simply tell the election officials that s/he has someone to help her or him with the voting process. The person providing assistance can be anyone of the voter's choice, as long as the person helping is not the voter's employer or union representative. The voter should not have to reveal that s/he has a disability or why s/he may need assistance. The person can do such things as read the ballot to the voter, help fill out the paper ballots or use the vote tabulator.
- **A voter may ask election workers for help.** If the voter needs assistance and he or she does not bring someone to the polls to help, two election officials will provide whatever assistance is needed. When the voter checks in to vote s/he simply tells the election workers that s/he needs assistance. With no questions asked, the voter must be provided that assistance. [17 V.S.A. §2569; Voting Rights Act, 1965, 42 U.S.C. §1973aa-6.]
- **A voter may ask for help in putting their ballots into the ballot box or vote tabulator.**
[17 V.S.A. §2570(a).]

Vote-by-Phone (at the polls)

Every polling place has a telephone voting system available for voters who wish to use it in the primary or general election. The Vote-by-Phone (at the polls) system was created to enable voters with disabilities to vote privately and independently. When you vote-by-phone you listen to the choices using the handset or a headset, and then you mark your ballot by pressing a telephone key pad. The system reads back the paper ballot for you before it is cast so you can be sure that it marked your choices correctly.

If the voter needs assistance and he or she does not bring someone to the polls to help, two election officials will provide whatever assistance is needed.



Early Voter Absentee Voting

Any Voter May Vote By Early Voter Absentee Ballot

All Vermont voters have the option of casting their votes without having to go to an official polling place. This is known as early voter absentee voting. This can be a very helpful option for people with disabilities and for the elderly. [17 V.S.A. §2531.]

How To Ask For An Early Voter Absentee Ballot

A voter, a family member or health care provider can apply for an early voter absentee ballot by asking for it by telephone, in person at their town clerk's office, or in writing. [17 V.S.A. §2532(a).] A non-family member authorized by the voter may only request a ballot in person or in writing.

There Are Four Ways To Cast An Early Voter Absentee Ballot

1. Vote in person at the town clerk's office. Beginning ⁴⁵~~30~~ days before the election a voter can go to her/his town clerk's office, ask for an early voter absentee ballot, fill it out right there and then hand it in. If a voter has a physical or mental disability or cannot read or write, that voter can bring along a person of her/his choice to help her/him vote (as long as the person is not the employer or union representative). If the voter needs help, but hasn't brought someone with her/him, two election officials of the town have to provide the assistance. [17 V.S.A. §2537.]

2. Pick up a ballot at the clerk's office. A voter can go to the town clerk's office to pick up an early voter absentee ballot and take the ballot out to the car to vote or take it home to vote. The voted ballot must be inserted into the envelopes provided by the clerk with the voter's signature on the certificate on the inside envelope and then mailed back or delivered to the clerk's office or the polling place by the end of the election day. (Anyone can bring the voted ballot back in the sealed envelope with the voter's signature.) [17 V.S.A. §2537.]

All Vermont voters have the option of casting their votes without having to go to an official polling place.

3. Get a ballot mailed to you. The clerk will mail an early voter absentee ballot to the voter who has applied for one unless the voter comes into the town clerk's office to pick up the ballot or asks for it to be physically delivered to her or him if s/he is ill or physically disabled. [17 V.S.A. §2539.]

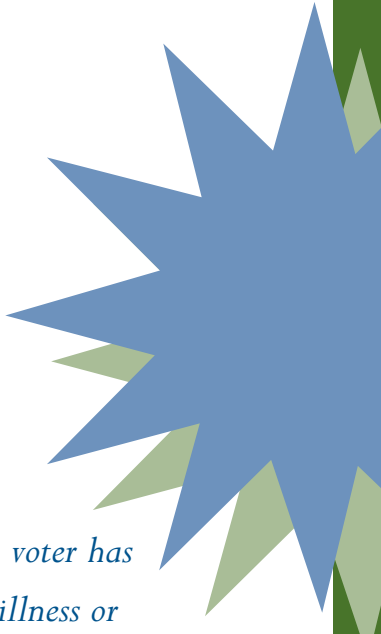
4. Ballots can be hand-delivered to the voter. If a voter has an illness or physical disability, the voter can ask for an early voter absentee ballot to be brought to her or him. The ballot is delivered to the voter sometime during the eight days before an election by two justices of the peace. The voter must fill out the ballot either alone or in the presence of the justices of the peace. If the voter is blind or physically unable to mark his or her ballot, the ballot may be marked at the direction of the voter by one of the justices with the other justice looking on. The justices then return the completed ballot to the town clerk's office or to the polling place. [17 V.S.A. §§2538(a) & (c).]

Special Rules For Returning The Ballot

It is very important for all people who vote by early voter absentee ballot to fill out and sign the certificate on the ballot envelope in order for the vote to be counted. Voters who are physically unable to sign their names may mark an X or take an oath swearing to the statement on the certificate. This mark or oath has to be witnessed by the justices who deliver the ballots and the justices have to attest, in writing on the envelope, that they have done so. [17 V.S.A. §2542.]

Deciding To Vote At The Polls

A voter who has received an early voter absentee ballot, but then decides to vote in person on election day, can do so by simply bringing with her or him all the unused absentee ballot(s) and envelopes. After giving the unused ballot and envelopes to the presiding officer at the polling place, the voter will be permitted to vote at the polls. If a person does not have her or his absentee ballots to return, the person shall be permitted to vote after completing a sworn affidavit that s/he does not have her/his ballots to return. [17 V.S.A. §2548.]



If a voter has an illness or physical disability an early voter absentee ballot can be brought to the voter.

Accessibility Rights

Voting System For Voters With Disabilities

The Help America Vote Act required, by 2006, that every polling place provide some voting system to allow voters with disabilities, including voters who are blind or visually impaired, to vote privately and independently. All Vermont polling places have complied with this requirement by having available to voters the IVS Vote-by-Phone (at the polls) voting system.

Towns Must Provide Auxiliary Aids To Enable Disabled Voters To Vote Independently

Title II of the Americans With Disabilities Act (ADA) requires all polling places to provide auxiliary aids that are needed to enable voters with disabilities to exercise their right to vote. Voters have to put in their requests for these aids at a reasonable time before the election so that the election officials have enough time to provide the aids. Such auxiliary aids might include:

- Qualified sign language interpreters
- Ballots in alternate formats, e.g. large print ballots, Braille or tactile overlays on top of large print ballots, audiocassette tapes, etc.
- Provision of Braille and audio tapes describing the content of the ballots and instructions on how to vote
- Physically accessible voting booths
- Magnifying sheets or glasses
- Signature guiding tools such as a ruler or a card for assistance in signing forms
- Braille and large print labels on voting machine controls
- Wheelchair-height voting tables

All polling places are required to provide auxiliary aids that are needed to enable voters with disabilities to exercise their right to vote.

Polling Places Must Be Physically Accessible Or Have A Plan For Access

The Help America Vote Act requires all polling places, for federal elections, to be physically accessible to people with disabilities. The Americans With Disabilities Act also requires towns to have a plan to make public spaces (including town offices) accessible to people with disabilities. Accessible features might include:

- The use of a TTY or state relay system to enable telephone communication between the town and the voter
- Accessible parking spaces, ramps, rest rooms, drinking fountains, service counters

Some examples of accommodations that may need to be made to ensure access to polling places include:

- Relocating a polling place from a physically inaccessible site to an accessible site
- Locating the polling places on the ground floor of a building
- Installing a ramp, elevator, lift or some other permanent or temporary device that provides access to the polling place (It is not considered an appropriate accommodation to carry an adult person into a polling place or town office)
- Providing a separate accessible polling place with direct communication to the main polling place [17 V.S.A. §2502(b)]

Service Animals Must Be Permitted

Voters who use animals to assist them with their disabilities (e.g. Seeing Eye or Hearing Ear dogs), have the right to bring their service animals into polling places and into any town offices.

The Americans With Disabilities Act requires towns to have a plan to make public spaces (including town offices) accessible to people with disabilities.



Resolving Problems

Questions?

If you have questions about what your rights are as a voter, or if you believe that the presiding officer or another election official is not accommodating your disability, you may call the elections hotline at 1-800-439-VOTE and ask to speak with the Director of Elections. The Secretary of State's Office will work with you to help the voter and local presiding officer reach a solution that conforms with the requirements of the law.

Elections Hotline: 1-800-439-VOTE

If you believe that any of your rights as a voter have been violated, you can submit a written complaint to:

**The Office of The Secretary of State
26 Terrace Street
Montpelier, Vermont 05609-1101**

For more information about Vermont elections or The Office of The Secretary of State, visit:

www.sec.state.vt.us

