



BURLINGTON BOARD FOR REGISTRATION OF VOTERS
1ST FLOOR, CITY HALL, 149 CHURCH STREET, BURLINGTON, VT 05401 OR VIA
ZOOM
MINUTES OF MEETING
May 6, 2025

1. Call Meeting to Order

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Meeting called to order by Chair Grace Grundhauser at 6:01pm

Present: Alison Harte, Grace Grundhauser, Annie Schneider, Lesley Gendron, Lauren Ebersol, Colleen Montgomery, and Jeanne Keller

Absent: Michelle Lefkowitz, Karen Rowell, Mike McGarghan, Alex Demoly, and Youth member Will Cunningham

Also Present: Sarah Montgomery, Assistant City Clerk

2. Agenda

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Jeanne Keller made a motion to adopt the agenda. Seconded by Lesley Gendron. Passed unanimously.

3. Meeting Length

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The meeting was set to end at 7pm.

4. Adopt Minutes

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Alison Harte made a motion to accept the minutes as presented. Seconded by Lauren Ebersol. Motion passed unanimously.

5. Public Forum

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No members of the public were present.

6. Clerk's Report

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Sarah Montgomery reported that there are currently 29,136 registered voters in Burlington. Out of these, 3,863 have a challenged status. In April, there were 117 new registrations, 97 voters were transferred to other Vermont towns, and 36 were removed from the checklist. She reported that the launch of the new Election Management system was pushed back a little bit, but should still be launched in mid-May.

Sarah Montgomery reminded board members that applications for the 4 board seats opening up soon are due at 4:30pm on May 14th. Appointments are expected to take place at the June 16th City Council meeting. The newly appointed members will be voting members at the July meeting. The current members who have

terms expiring in June will still be active voting members during the June meeting. She shared that the July meeting is also when the board typically holds chair and vice-chair appointments.

Jeanne Keller asked if Sarah had heard anything from the state about the SAVE act and how this would work in Vermont. Sarah Montgomery answered that the Secretary of State has been very communicative with clerks about the federal legislation that passed in the House. The sense is that it will not pass in the Senate, and that if it did, there would still be a lot of logistics to resolve. The core piece of the legislation as presented is that voters would need to provide proof of citizenship. Jeanne Keller noted that some states are trying to implement it at the state level, and she asked if anything similar is happening in Vermont. Sarah answered that she was not aware of anything similar being proposed at the state level in Vermont. She did note that an executive order was signed that had similar contents to the SAVE act, but that the Secretary of State has spoken out against that. Jeanne Keller noted that the executive order had no basis in law. Colleen Montgomery said that she reached out to Senator Welch and Bernie Sanders' offices about the SAVE act and their office staff said there is no date for it to appear in the Senate, and that if it appeared there, it would require 60 votes to pass. Sarah said that she would continue keeping an eye on it, and Grace Grundhauser said that the board should as well.

7. Eligibility Inquiry Process

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Grace Grundhauser recapped the discussion from the previous month's meeting: there was a voter in ward 1, who was also working as an assistant election official, who told Colleen Montgomery that he no longer lived in Burlington, but he still continued to cast his vote in Burlington. Grace Grundhauser asked Sarah Montgomery what the process is to verify that election workers are still residents in Burlington. Sarah answered that she checks election workers' voter registration status (verifying they are registered to vote in Burlington) before they are recommended for appointment, but she does not specifically ask each election worker if they are still residing in Burlington. Grace asked Colleen if she had spoken to the voter about the definition of residence and about his intent to return. Colleen does not remember having that specific conversation. Annie Schneider asked Sarah what the voter told her. Sarah answered that, via email, she asked him if his residential address for voter registration purposes should still be in Burlington, and he confirmed that it should. Grace asked Sarah if she provided him with further information about how he could make that judgment call. Sarah answered that she did not.

Annie Schneider reached out to the Secretary of State's office, who said they were aware of the situation, and that there wasn't much the board could do. They noted that the board could file a complaint, but it may not go anywhere. Sarah Montgomery had reached out to them as well, and looked more into the relevant statute. Sarah shared that there is a portion in statute that outlines that there are only two very specific reasons that a voter whose name is printed on the checklist can have their eligibility to vote challenged on election day. These include 1.) if the voter is not who they say they are, and 2.) if the voter has already cast a vote. Additionally, these challenges can only be made by very specific people - designated political observers. Otherwise, the law states that the voter's right to vote shall not be challenged if their name is on the checklist. Sarah Montgomery said that the Assistant Director of Elections at the Secretary of State recommended that the best course of action in this scenario is for the board to now determine if they want to challenge the voter. If the board challenges the voter and he responds affirmatively, but the board has reason to believe that is not the truth, then they can take further action. Jeanne Keller noted that the limited election day challenge reasons have come up before when discussing voters' citizenship statuses. She noted that those restrictions are specific to election day, not to action the board can take outside of that.

Grace Grundhauser noted that there are two separate issues with this situation. One is that a voter, who was potentially ineligible to vote, cast a ballot. This issue is outside the purview of the board. Grace reiterated that for same-day challenges, the reasons for challenging are very narrow, as well as who can bring that challenge up. The ward clerk (or their designee) can also refer questions of eligibility, for new voter applications, to the board.

Annie Schneider asked who has jurisdiction in determining eligibility to vote on election day? Is it the board or the ward clerk? She referenced a situation where the person was already on the checklist, but no longer lived at the listed address. Grace Grundhauser said that this is something she has questioned before and has not had a good answer to. She thinks it is something the board should spend more time looking into. She noted that workers at the entrance checklist are asking voters to verify their name and address - this is the opportunity for the voter to make note of any inaccuracies. Annie Schneider asked if the checklist workers need to ask for the address. Sarah Montgomery answered that they should be. Annie noted that it is done inconsistently. Other members agreed. Sarah Montgomery will look at the statute and verify to create

consistency in processes across wards. Jeanne Keller said that if there is ambiguity about these processes and who determines the final eligibility of voters who are already on the printed checklist, the board should get guidance from the Secretary of State's office to make a determination. Sarah Montgomery noted that the question should likely go to our City Attorney's office instead, so they can factor in the City Charter. Jeanne Keller said that guardrails and consistency across wards need to be in place. Grace Grundhauser said it might be helpful to look into provisional ballots and if this could be a scenario when they should be used. Lauren Ebersol noted that in New Jersey they used provisional ballots a lot, for scenarios exactly like this and many others. Alison Harte asked how provisional ballots work. Sarah Montgomery said that if a voter's eligibility to vote was questioned, due to potentially having already cast a vote or some other scenario, the voter could cast a ballot that would not be fed through the tabulator until a resolution was determined. Jeanne Keller said the determination of who makes the ruling about the validity of that ballot would still need to be determined in the case of a provisional ballot.

Grace Grundhauser shared the process for the board to remove voters from the checklist per 17 VSA 2150. This process outlines steps that need to be taken to determine if a voter is eligible to be registered in Burlington. She highlighted that the Board of Civil Authority (board for registration of voters in Burlington) can consider a voter's eligibility to vote at any time, but they need to follow the specific procedures set forth in this section of the statute. This includes attempting to determine the status of voter eligibility, using official and unofficial records. The board may also designate someone to reach out to the voter personally. If the board is unable to verify the voter's eligibility to vote in Burlington, the board can vote to challenge the voter and follow that process.

Jeanne Keller asked if the conversation Colleen Montgomery had with him on election day could be considered as the inquiry by the board. Grace Grundhauser said yes, except Sarah Montgomery contacted him after, so that is the more recent communication. Grace Grundhauser also shared the affirmation of residence/domicile, which is the form that a challenged voter needs to complete before they are eligible to vote again. This includes the statutory definition of residency and the definition of perjury. The definition of residency includes language about the voter's intent. Once a voter is challenged by the board, they are not able to vote unless they sign this affirmation. Grace noted that the voter's intent could be that he intends to return to Burlington as his principal dwelling place, but it could also be that it was just more convenient to vote in Burlington that day. Grace asked Sarah what her conversation with the voter looked like; Sarah answered that she was updating the voter's mailing address for election pay purposes, and she asked if his legal address for voter registration purposes should remain in Burlington. The voter confirmed that it should. The question was not specified to be in relation to the election day incident. Jeanne Keller noted that, based on the statutory definition of residency, she believes he has lost residency in Burlington, and he should be challenged and sent a challenge letter.

Grace Grundhauser suggested that one of the board members call him to have an explicit conversation about residency. Jeanne Keller questioned why they would do more for this voter than they would for any other voter that the board votes to challenge. She noted that there does not seem to be any ambiguity about the situation that needs to be resolved before issuing the challenge. Annie Schneider agrees that the board has grounds to challenge him without further communication. Annie Schneider made a move to challenge this voter. Seconded by Lesley Gendron.

Discussion: Alison Harte noted that due to the restrictions on challenging a voter's eligibility on election day, this seems like the correct time to do this.

Grace Grundhauser added that her understanding of the statute is that the board should attempt with certainty to determine if a voter is eligible to vote before challenging them, which is why she is suggesting reaching out to the voter. Jeanne Keller said she feels it would be uncomfortable and inappropriate to reach out to the voter. Lauren Ebersol noted that the board already has first-hand information, based on Colleen's conversation with him.

Vote called. Grace Grundhauser abstained. The remainder of the present members voted in favor.

8. Approval of Voter Challenges

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The board reviewed the remaining proposed voter challenges. Sarah Montgomery explained that there were two tabs on the spreadsheet she sent to the board. One included voters who had sold property that is listed as their legal address in their voter registration and voters who had voter registration confirmation letters returned to the clerk's office as undeliverable. The second tab included voters who were mailed ballots for

the Annual City Election that were returned to the Clerk's office as undeliverable; voters who had undeliverable ballots, but otherwise voted in the election, were marked by the USPS as temporarily away, or who changed their voter information after the mailing data was pulled were excluded from the proposed challenges.

Lesley Gendron made a motion to accept the proposed challenges. Seconded by Jeanne Keller. Passed unanimously.

9. New Business

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Annie Schneider proposed creating some new positions for board members to help share the workload - to vote on these when voting for chair and vice-chair. Positions like volunteer coordinator, parliamentarian, etc. Grace Grundhauser agreed that she really likes this idea and suggested it would also be helpful to have a designated outreach person as well. She had also considered having a rotating chair, but likes this idea better. Jeanne Keller asked Grace which items could be delegated to others without compromising the duties of the chair. Grace answered anything but agenda approvals would be up for grabs. The board members will come up with ideas to discuss at the June meeting.

Annie Schneider asked if some sort of outreach for getting high school students registered to vote should be done before the school year is over. She suggested doing what the board did last year again now - creating and distributing posters. Lesley Gendron can update those posters. Jeanne Keller will contact some folks from 3rd act, which is an organization who might be able to help with voter registration drives.

Grace Grundhauser announced that Alex Demoly will not be reapplying for a new term when his expires.

Colleen Montgomery asked about membership and noted that Mike McGarghan has been absent for several meetings. This has been discussed previously by the board. Grace Grundhauser said that attendance expectations could be added as a future agenda item or that board members could always make a motion to recommend another member's removal to City Council.

10. Adjournment

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Lauren Ebersol made a motion to adjourn the meeting. Second by Annie Schneider. Passed unanimously.