

BOARD FOR REGISTRATION OF VOTERS

MEET: Time 6:00p 08/01/2023

Where: Community Room at the Police Department and remotely via Zoom

Present: Grace Grundhauser, Annie Schneider, Lauren Ebersol, Mike McGarghan, Karen Rowell, Thea Knight, Helen Rock, Michelle Lefkowitz.

Absent: Alison Harte, Lesley Gendron

Also Present: Sarah Montgomery (Assistant City Clerk), Tenzin Chokden (Associate City Clerk)

Meeting called to order by Chair Grace Grundhauser at 6:04pm

Agenda:

The item number 3 on the agenda was changed from vice chair appointments to vice chair election.

Michelle Lefkowitz made the motion to accept the agenda as amended, seconded by Thea Knight.

Approved unanimously.

Meeting Length: The meeting length was set for one hour.

Vice Chair Election:

Mike McGarghan made the motion to open the election for nominations of vice chair for a period of one year. Annie Schneider nominated Michelle Lefkowitz and no other nominations were made.

The board unanimously elected Michelle Lefkowitz as a vice chair and she accepted the term for one year.

Previous Meeting Minutes:

Mike McGarghan corrected a word on paragraph 9 on page 4 to be changed to “thinks” to “knows”.

Helen Rock questioned if Larry Granillo was present at the last meeting because he seconded on the approval of applications.

The board confirmed Larry Granillo was not present and no longer on the board and it should be Lauren Ebersol who seconded on the approval of applications.

Annie Schneider made the motion to accept the minutes as amended, seconded by Helen Rock. The minutes were passed unanimously.

Public Comments:

Mike McGarghan asked Sarah Montgomery or Tenzin Chokden if possible to use the same zoom link for the recurring monthly board meeting. Tenzin Chokden replied: It can be done as he has seen other boards have used the same zoom link for their meetings. He will use the same zoom link from this meeting carrying forward.

Chair Report on BRV and Clerk Authority:

Grace Grundhauser explained the board has been accustomed to approving registration applications and signing applications since she has joined the board. According to Sarah Montgomery's research from Vermont statute, it is not under board authority to do so and this change is reflected on the current agenda. The numbers typically presented under the approval of applications agenda item will be presented under the clerk's report and the board will no longer need to vote on these numbers or sign new applications. Based on this same research, an addition to the agenda is the approval of challenges. Challenge letters will be sent after approval from the board. Grace noted that she has questions about if the list of voters being shared with the board for potential challenges need to be made publicly available. Karen Rowell added that she doesn't think it would be appropriate to make the list public.

Grace Grundhauser opened the floor on discussion if anyone has any questions on this matter.

Helen Rock remembered that the approval of applications was at one point just part of the clerk's report, but it was changed where the board started voting on it at some point. Her understanding was that the applications need to be signed by the board within three days and that is why there is a field on the form for the BCA.

Sarah Montgomery replied that statute does require the voter registration applications to be processed and approved within three days but the statute gives this authority to the Clerk.

Mike McGarghan asked why the statute allows the town clerk to purge voters upon death notification with no time frame, but for the BCA, it must be completed at least ninety days before an election.

Sarah Montgomery answered: The statute says that any systematic program for removing from the checklist shall be completed at least 90 days before an election, which means no mass challenge or purge in less than 90 days before an election. Either BCA or the Clerk can purge an individual from the checklist, based on a death notice or an obituary.

Sarah Montgomery noted that the BCA has authority to review an application, if a voter is appealing the rejected application, which may be why there is a BCA field on the registration form. Grace Grundhauser asked if we can find more information on why there is a field for BCA on voter application, if they are not approving applications.

Grace Grundhauser explained both the Clerk and BCA have authority to purge voters based on information such as death certificate notifications or written notice from the voters. Whereas, the Clerk does not have the authority to purge voters who have not participated in two general elections but BCA does.

Thea Knight asked if the board already does task on adding, editing or transferring voter to the checklist on Election Day.

Grace Grundhauser answered new registrations, and transfers which are treated as new registrations, are sent over to the voter registration table.

Helen Rock added the board collects the information by giving voters a form "BRV to Ward Clerk", whether it is adding on checklist, change of address or same day registration on Election Day but they are not actually making changes on the checklist on the day of election.

Sarah Montgomery added: The presiding officer at each ward or their designee is responsible for same day voter registration on Election Day.

Grace Grundhauser agreed that the board does not have authority on adding and transferring voters to the checklist on Election Day but is questioning the editing of the record because the board is signing off on the form "BRV to Ward Clerk". She asked if this can be research further.

Mike McGarghan mentioned: For the same day registration, there used to be a separate box for provisional ballots, for if there were questions whether the voter was allowed to vote or not. The statute doesn't mention anything about this matter. Why isn't this the practice in same day voter registration when we aren't sure a voter is qualified to vote?

Helen Rock asked: did this happen in Vermont?

Mike McGarghan answered yes, in Vermont and he recalled doing this when he served as Inspector of Election in one of the Wards for three years and as election worker for many years.

Annie Schneider asked if this happened before same day registration.

Mike McGarghan answered no, this was after same day registration. Ballots cast by same day registration voters were kept in a separate box, so they were not mixed with other ballots.

Michelle Lefkowitz disagreed with Mike McGarghan's recollection on the provisional ballot process. There was a provisional ballot before the same day registration was adopted and that was because if they were not able to find any information on a voter who was voting on Election Day, but the voter insisted they were registered, the voter's ballot was set aside while verifying that they were registered.

Helen Rock mentioned she has been on the board for 12 years and doesn't recall any provisional ballot but she does recall there used to be a judge available before the same day registration, where voters can get permission to vote. Then, it was replaced by an Affirmation of Domicile.

Michelle Lefkowitz added it would be a bad idea to have a provision ballot for same day registration because many people register on an Election Day.

Annie Schneider added there must be information in statute on the same day registration, whether they should be provisional or not and we should find out.

Mike McGarghan asked: What is the chain of command when comes to asking questions on authority level or questions related to elections or the board?

Grace Grundhauser answered we need to rely on the city attorney to answer any legal ambiguities related to statute or the Secretary of State in regards to statutes.

Helen Rock added it would be helpful to ask questions as a board when having discussion in the board because it is less effective to get an answer from someone when an individual asks.

Mike McGarghan agreed with Helen Rock and added that he still has heard from Secretary of State on his nephew's voter registration status.

Helen Rock asked if he lives in Burlington.

Mike McGarghan answered he lives out of country.

Michelle Lefkowitz mentioned there is provision for someone who lives out of country trying to register.

Sarah Montgomery said she can assist in Mike McGarghan's nephew, if he wants to register in Burlington.

No further discussion.

Clerk's Report:

Sarah Montgomery reported that there are 31,043 registered voters and 8,358 of those are challenged.

For July, Sarah Montgomery reported that 24 voters were purged, 172 voters registered, and 92 were transferred out of Burlington.

Sarah Montgomery reported there is one vacancy left on the board and the due date for the application is August 9th. The member will be appointed on August 14th during the council meeting.

Once that vacancy is filled, another vacancy will be posted, due to Lis Mickenberg's resignation. That term will be for only the remaining period, which is until 06/2025.

Mike McGarghan asked: What is the term for the application that's due on August 9th?

Sarah Montgomery answered it is a full 5 year term.

Grace Grundhauser asked: What is the standard time for application due date? It would be great to know when the deadline is and they can inform the people. Sarah Montgomery answered: She is not sure on the standard time but it would usually depend on the timing of the council meetings.

Approval of Challenges:

25 voters were presented on the spreadsheet before the board for approval of challenge.

Michelle Lefkowitz pointed out David Mickenberg shouldn't be on the list because he was the buyer and it should be Neil Mickenberg who sold the property.

Tenzin Chokden agreed and that was an error on his end when making the list and he will replace David with Neil.

Mike McGarghan asked if people have to file property transfer tax return when they file quit claim deed.

Sarah Montgomery answered yes.

Helen Rock asked whether this is a standard procedure for city clerk to challenge people based on property transfer. She believed only changes made voter is through DMV notifications and undeliverable mail.

Sarah Montgomery replied that is standard procedure to do so.

Helen Rock asked if we would edit a voter's information for any other reason other than a DMV notification or a voter requesting it. Sarah Montgomery answered that there are no other reasons we would edit a voter's information.

Grace Grundhauser added no changes are made on voter's information without a specific reason, such as a death notice, authorization from the voter, or an out of state notification. The board has the authority only to challenge the voter, which gives them the opportunity to respond with any updates.

Mike McGarghan asked: Why are voting on this when this was passed at the last meeting?

Grace Grundhauser explained this a new list of voters who will be sent challenges after the board approves it and the challenge letters had been sent for the last meeting's approvals already.

Annie Schneider made the motion to accept and send challenge letters to 25 voters on the list as amended, Michelle Lefkowitz seconded. The motion passed unanimously.

New Business

Mike McGarghan mentioned he still hasn't got any definitive answers from the Secretary of State about data sharing with other states if a voter moves or register in another State.

Grace Grundhauser asked: How would the board feel about doing research on this and adding a discussion topic on the next meeting agenda? She suggested gathering information as a board and then discussing.

Mike McGarghan said he will be upset if there is a push back from the board on having this discussion put on the agenda because he has been trying to get an answer for a year. He strongly feels that the board is trying to avoid this discussion.

Grace Grundhauser added she will reach out to Secretary of State to get information on this matter and will let them know that the board is going to have discussion on. This will probably be on the agenda as a discussion item for the next meeting in September. If not September, it won't go beyond November.

On a motion by Mike McGarghan, seconded Michelle Lefkowitz, the meeting was adjourned at 7:03pm.

Respectfully Submitted By: Tenzin Chokden, Associate City Clerk



BOARD for REGISTRATION of VOTERS

City of Burlington

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AGENDA
FOR MONTHLY MEETING OF
THE BOARD FOR REGISTRATION OF VOTERS
Tuesday, August 1st, 2023; 6 pm

In Person – Community Room at the Police Department
Or access the meeting remotely via Zoom:

Join Zoom Meeting

<https://zoom.us/j/99553509592>

Meeting ID: 995 5350 9592

One tap mobile

+13092053325,,99553509592# US

+13126266799,,99553509592# US (Chicago)

1. Agenda
2. Set Meeting Length
3. Vice Chair Election
4. Minutes
5. Public Comments
6. Chair Report on BRV and Clerk Authority
7. Clerk's Report
8. Challenge Approvals
9. New Business

*****Board Members: Please let Tenzin or Grace know if you will not be attending the meeting*****

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