
Vermont

*Help America Vote Act
(HAVA) Complaint
Process Guide*

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State Guide to HAVA & Election Complaint Process

This is a guide to your state's laws relating to the Help America Vote Act (HAVA) and other election related complaints.

The statutes/codes cited in this guide may not be the most recent version. States may have more current or accurate information. We make no warranties or guarantees about the accuracy, completeness, or adequacy of the information contained in the individual state guides or the information linked to on the state site.

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What is the Help America Vote Act (HAVA)?

[Link to HAVA Statute](#)

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According to the EAC.gov website:

The Help America Vote Act (HAVA) of 2002 was passed by the United States Congress to make sweeping reforms to the nation's voting process. HAVA addresses improvements to voting systems and voter access that were identified following the 2000 election. HAVA mandates that EAC test and certify voting equipment, maintain the National Voter Registration form and administer a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections.

HAVA creates new mandatory minimum standards for states to follow in several key areas of election administration. The law provides funding to help states meet these new standards, replace voting systems and improve election administration. HAVA also established the Election Assistance Commission (EAC) to assist the states regarding HAVA compliance and to distribute HAVA funds to the states. EAC is also charged with creating voting system guidelines and operating the federal government's first voting system certification program. EAC is also responsible for maintaining the National Voter Registration form, conducting research, and administering a national clearinghouse on elections that includes shared practices, information for voters and other resources to improve elections. HAVA requires that the states implement the following new programs and procedures:

- Provisional Voting
- Voting Information
- Updated and Upgraded Voting Equipment
- Statewide Voter Registration Databases
- Voter Identification Procedures
- Administrative Complaint Procedures

How do I file a HAVA complaint?

[Link to HAVA Complaint Process](#)

Any person who believes that a violation of provisions of Title 17 or Title III by any state or local election official has occurred, is occurring or is about to occur may file a complaint with the Secretary.

- A. Complaints must be in writing, sworn under oath under penalty of perjury, signed by the complainant and notarized.
- B. Complaints must include the full name, telephone number and mailing address of the complainant.
- C. Complaints must include a description of the alleged violation sufficient to make the Secretary and respondent aware of the nature and specifics of the complaint.
- D. If a hearing on the record is requested, the complaint must so state.
- E. The notarized complaint must be filed with the Secretary at 26 Terrace Street, Drawer 9, Montpelier, VT 05609-1101.

How do I file a non-HAVA election complaint?

[Link to Statutes](#)

[17 V.S.A. § 2458 : Complaint procedure](#)

(a) The Secretary of State shall adopt rules to establish a uniform and nondiscriminatory complaint procedure to be used by any person who believes that a violation of this title or any other provision of 52 U.S.C. chapter 209, subchapter III (Uniform and Nondiscriminatory Election Technology and Administration Requirements) has occurred, is occurring, or is about to occur in the course of any election in which a candidate for federal office appears on the ballot.

(See HAVA Complaint process for violations of 17 V.S.A. §§ 2451-2602)

[17 V.S.A. § 2616 : Jurisdiction to prosecute criminal offenses](#)

The State's Attorney in any county in which all or a part of any violation of this title was committed shall have authority to prosecute such violations. The prosecution shall be conducted before the Vermont Criminal Division of the Superior Court.

Who can I contact regarding an election related complaint?

Secretary of State's Office - Elections Division	
Physical Address:	Elections Division 128 State Street Montpelier, VT 05633-1101
Mailing Address:	Elections Division 128 State Street Montpelier, VT 05633-1101
Phone Number:	802-828-2363
Fax Number:	802-439-8683
Email Webform:	https://sos.vermont.gov/elections/about/contact/

Office of the Vermont Attorney General	
Address:	109 State St Montpelier, VT 05609
Phone Number:	802-828-3171
E-mail:	ago.info@vermont.gov
E-mail Webform:	https://ago.vermont.gov/contact-form
State's Attorneys Offices:	https://prosecutors.vermont.gov/offices