

Office of the Vermont Secretary of State
Vermont State Archives

Veto Message: Governor Salmon
1974 (H.334)

An act to amend 17 V.S.A. §§ 62, 64, 201, 203, 204, 205, 206, 208, 210, 244, and 245, and 28 V.S.A. § 807; to add 17 V.S.A. § 1(10), (11), (12), and 212 and to repeal 17 V.S.A. §§ 65, 67, 209 and 241 and 24 V.S.A. § 701 relating to elections.

STATE OF VERMONT
Executive Department.
Montpelier, Vt., January 2, 1974

The Speaker laid before the House the following veto message from the Governor relative to House bill No. 334:

To the Speaker of the House of Representatives

Sir:

Under the provisions of Section 11, Chapter 11, of the Vermont Constitution, I am returning herewith House Bill 334, "An act to amend 17 V.S.A. §§ 62, 64, 201, 203, 204, 205, 206, 208, 210, 244, and 245, and 28 V.S.A. § 807; to add 17 V.S.A. § 1(10), (11), (12), and 212 and to repeal 17 V.S.A. §§ 65, 67, 209 and 241 and 24 V.S.A. § 701 relating to elections."

For the reasons set forth below, I must refuse to sign this bill:

This is a most difficult decision. It is very difficult for me to veto a bill that apparently sparked no major controversy during its legislative tour. One of the hallmarks of the 1973 session has been the ability of this administration to work constructively with the Legislature.

However, pared to its basic essentials, H. 334 closes Vermont checklists a minimum of 24 days before a general or local election for all potential voters except those who became 18 before election day, and those Vermonters establishing another intrastate

residence during the cutoff period.

In a word, the bill proposes a form of durational residence requirement for some, but not for all. It would disenfranchise nonresidents moving to Vermont within the cutoff period together with otherwise eligible permanent residents who for whatever reason fail to meet voter eligibility requirements. It even creates additional burdens on Vermonters moving intrastate in the necessity of obtaining certificates of disenfranchisement from the town of their removal. Stated in the simplest possible terms, the bill makes it more difficult to become eligible to vote in the Green Mountain State, the first state in the Union to grant universal suffrage.

Importantly, the bill is vulnerable as a legal document. It would readily subject itself, in my judgment, to attack in our courts under the Equal Protection clause of our Fourteenth Amendment as it creates durational requirements for some, but not all. The 1972 U.S. Supreme Court case of *Dunn vs. Blumstein* appears to support conclusion.

This veto message is difficult because of features of the bill which would create a Board of Elections and an appeal procedure which represents an important component of any progressive election law. The bill points out the desirability for the uniformity in election procedures and the distinct advantages of appellate review.

Sincerely, /s/ Thomas P. Salmon,
Governor

Governor's Veto Sustained
H.334, 1974

The Governor's veto was sustained in the House:
Yeas 0 Nays 143

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