

1 Introduced by Committee on Government Operations and Military Affairs

2 Date:

3 Subject: Elections; miscellaneous changes

4 Statement of purpose of bill as introduced: This bill proposes to prohibit
5 losing primary candidates from running in the general election, update the
6 independent candidate filing deadline, permit political parties to accept
7 unlimited contributions from candidates, require the reporting of town and
8 county committee members after the biennial reorganization of the State
9 committee of a party, prohibit candidates from receiving cross-nominations
10 from multiple political parties, permit candidates to file demographic
11 information, and to require registration for write-in candidates.

12 An act relating to miscellaneous changes to election laws

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 * * * Sore Loser Law * * *

15 Sec. 1. 17 V.S.A. § 2381(c) is added to read:

16 (c) In no event may a candidate who loses a major party primary be
17 nominated to appear on the general election ballot pursuant to this subchapter
18 by a committee of any party other than the party for which the candidate
19 appeared on the primary ballot.

1 Sec. 2. 17 V.S.A. § 2401 is amended to read:

2 § 2401. APPLICABILITY OF SUBCHAPTER

3 (a) A person may be nominated and have ~~his or her~~ the person's name
4 printed on the general election ballot for any office by filing a consent similar
5 in form to the consent prescribed by section 2361 of this title and a statement
6 of nomination with the Secretary of State. In the case of a nomination for
7 justice of the peace, the consent form and statement of nomination shall be
8 filed with the town clerk.

9 (b) A candidate who loses a major party primary for any office may not
10 appear on the general election ballot as an independent candidate for the same
11 office for which the candidate lost in the primary election.

12 * * * Independent Candidate Filing Deadline * * *

13 Sec. 3. 17 V.S.A. § 2402(d) is amended to read:

14 (d)(1) A statement of nomination and a completed and signed consent form
15 shall be filed:

16 * * *

17 (C) in the case of any other independent candidate, not earlier than
18 the fourth Monday in April and not later than 5:00 p.m. on the fourth Thursday
19 after the first Monday in May preceding the primary election prescribed by
20 section 2351 of this chapter, and not later than 5:00 p.m. of the ~~third~~ 62nd day
21 prior to the day of a special primary election.

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* * * Campaign Finance Limits for Statewide Candidates * * *

Sec. 4. 17 V.S.A. § 2941(a) is amended to read:

(a) In any election cycle:

* * *

(5)~~(A)~~ A political party shall not accept contributions totaling more than:

- ~~(A)~~(i) \$10,000.00 from a single source;
- ~~(B)~~(ii) \$10,000.00 from a political committee; or
- ~~(C)~~(iii) \$60,000.00 from a political party.

(B) A political party may accept unlimited contributions from a candidate.

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* * * Biennial Committee Reorganization Reporting * * *

Sec. 5. 17 V.S.A. § 2313 is amended to read:

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

* * *

(f) At the same time of filing the certificate of organization, the chair and secretary shall file with the Secretary of State a single machine-readable electronic document containing a list of the names and addresses of the town

1 and county committee members from those towns and counties that have
2 organized pursuant to this chapter.

3 (g) A committee is not considered organized until the material required by
4 this section has been filed and accepted.

5 * * * Cross-Nominations * * *

6 Sec. 6. 17 V.S.A. § 2472(b)(5) is added to read:

7 (5) A candidate may only list a single party next to the candidate's name
8 on the general election ballot, as selected by the candidate pursuant to section
9 2474 of this chapter.

10 Sec. 7. 17 V.S.A. § 2474 is amended to read:

11 § 2474. CHOICE OF PARTY

12 (a)(1) A person nominated by any means for the same office by more than
13 one political party ~~may~~ shall elect, not later than 5:00 p.m. on the ~~tenth~~ 10th
14 day following the primary election, the party ~~or parties~~ in which the nominee
15 will be a candidate. The nominee shall notify in writing the Secretary of State
16 ~~or town clerk, as the case may be,~~ of such choice by that deadline, and only the
17 party ~~or parties~~ that the nominee so elects shall be printed next to the
18 nominee's name on the ballot.

19 (2) If the nominee does not notify the Secretary of State or the town
20 clerk of ~~his or her~~ the nominee's choice of party, the Secretary of State shall

1 print on the ballot ~~those parties~~ next to the nominee’s name ~~by listing in this~~
2 ~~order~~ the name of:

3 (A) the major political party for which the nominee had ~~his or her~~ the
4 nominee’s name printed on the ballot in the primary;

5 (B) ~~any major political parties that nominated the nominee by the~~
6 ~~party committee, in the order in which the nominations were submitted to the~~
7 ~~Secretary of State;~~

8 (C) ~~any major political parties for which the nominee received write-~~
9 ~~in votes, in an order from highest to lowest vote counts; and~~

10 (D) ~~any minor political parties that nominated the nominee by party~~
11 ~~committee, in the order in which the nominations were submitted to the~~
12 ~~Secretary of State.~~

13 (b)(1) ~~A candidate for State office who is the nominee of two or more~~
14 ~~political parties shall file with the Secretary of State, not later than 5:00 p.m.~~
15 ~~the tenth day following the primary election, a statement designating for which~~
16 ~~party the votes cast for him or her shall be counted for the purposes of~~
17 ~~determining whether his or her designated party shall be a major political~~
18 ~~party. The party so designated shall be the first party to be printed~~
19 ~~immediately after the candidate’s name on the ballot.~~

1 ~~(2) If a candidate does not file the statement by that deadline, the~~
2 ~~Secretary of State shall designate the party for which the votes cast shall be~~
3 ~~counted as provided in subdivision (a)(2) of this section. [Repealed.]~~

4 * * * Candidate Demographic Information * * *

5 Sec. 8. 17 V.S.A. § 2359 is amended to read:

6 § 2359. NOTIFICATION TO SECRETARY OF STATE

7 Within three days after the last day for filing petitions, all town and county
8 clerks who have received petitions shall ~~notify~~ file with the Secretary of State
9 ~~of the names of all candidates;~~ a list containing the name, gender, age, race or
10 ethnicity, mailing address, and e-mail address of all candidates, to the extent
11 this information is provided by candidates; the offices for which ~~they the~~
12 candidates have filed; and whether each candidate has submitted a sufficient
13 number of valid signatures to comply with the requirements of section 2355 of
14 this title. Town and county clerks shall also notify the Secretary of State of
15 any petitions found not to conform to the requirements of this chapter and
16 returned to a candidate under section 2358 of this title; and shall notify the
17 Secretary of State of the status of such ~~petition~~ petitions not later than two days
18 after the last day for filing supplementary petitions.

19 Sec. 9. 17 V.S.A. § 2361(b) is amended to read:

20 (b)(1) The consent shall set forth the ~~name of the candidate;~~ candidate's
21 name as the candidate wishes to have it printed on the ballot, the candidate's

1 gender, age, race or ethnicity, town of residence, and correct mailing address,
2 and e-mail address. A candidate who does not provide such information may
3 still appear on the ballot if all other requirements are met.

4 * * *

5 Sec. 10. 17 V.S.A. § 2665 is amended to read:

6 § 2665. NOTIFICATION TO SECRETARY OF STATE

7 The town clerk shall file with the Secretary of State a list ~~of the names and~~
8 addresses of the selectboard members elected and containing the name, gender,
9 age, race or ethnicity, street address, and e-mail address, to the extent the
10 information is provided by the candidate, and the end date of the term of office
11 of each selectboard member, city councilor, village trustee, and mayor elected.
12 The town clerk shall not be required to ask the candidate for demographic if it
13 is not provided on the consent form. The town clerk shall notify the Secretary
14 of State of any changes in the list as filed.

15 * * * Write-in Candidate Registration * * *

16 Sec. 11. 17 V.S.A. § 2370 is amended to read:

17 § 2370. WRITE-IN CANDIDATES

18 (a)(1) In order to have votes recorded for a write-in candidate under section
19 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
20 primary election, a write-in candidate for any State or federal office shall file
21 with the Secretary of State a form consenting to candidacy for office as set

1 forth in subsection 2361(b) of this title. The Secretary of State shall notify the
2 town clerks of any filings made in accordance with this subsection no later
3 than the Friday before the election.

4 (b) A write-in candidate shall not qualify as a primary winner unless ~~he or~~
5 ~~she~~ the candidate:

6 (1) has complied with subsection (a) of this section; and

7 (2) receives at least one-half the number of votes as the number of
8 signatures required for ~~his or her~~ the candidate's office on a primary petition,
9 except that if a write-in candidate receives more votes than a candidate whose
10 name is printed on the ballot, ~~he or she~~ the candidate may qualify as a primary
11 winner.

12 ~~(b)~~(c) The write-in candidate who qualifies as a primary winner under this
13 section must still be determined a winner under section 2369 of this chapter
14 before ~~he or she~~ the candidate becomes the party's candidate in the general
15 election.

16 Sec. 12. 17 V.S.A. § 2472(b)(6) is added to read:

17 (6) In order to have votes counted for a write-in candidate under section
18 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
19 general election, a write-in candidate for any State or federal office shall file
20 with the Secretary of State a form consenting to candidacy for office as set
21 forth in subsection 2361(b) of this title. The Secretary of State shall notify the

1 town clerks of any filings made in accordance with this subsection no later
2 than the Friday before the election.

3 Sec. 13. 17 V.S.A. § 2587(e) is amended to read:

4 (e)(1) ~~In~~ Except as provided in this subsection, in the case of “write-in”
5 votes, the act of writing in the name of a candidate, or pasting a label
6 containing a candidate’s name upon the ballot, without other indications of the
7 voter’s intent, shall constitute a vote for that candidate, even though the voter
8 did not fill in the square or oval after the name.

9 (2)(A) A vote for a write-in candidate shall be counted as a generic
10 write-in vote unless the write-in candidate filed a consent of candidate form
11 with the Secretary of State in accordance with section 2370 of this title for the
12 primary election and subsection 2472(b) of this title for the general election.
13 The consent form shall set forth the name of the candidate, the name of the
14 office for which the candidate consents to be a candidate, the candidate’s town
15 of residence, and the candidate’s correct mailing address. The clerk shall
16 record the name and vote totals of a write-in candidate who has filed in
17 accordance with section 2370 of this title in the primary election and in
18 accordance with subsection 2472(b) of this title for the general election.

19 (B) The Secretary of State shall prepare and furnish forms for
20 candidate consent purposes.

1 party shall file with the Secretary of State a form consenting to candidacy for
2 office as set forth in subsection 2361(b) of this title. The Secretary of State
3 shall notify the town clerks of any filings made in accordance with this
4 subsection no later than the Friday before the election.

5 * * * Effective Date * * *

6 Sec. 16. EFFECTIVE DATE

7 This act shall take effect on July 1, 2023.