

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate  
3 Bill No. 32 entitled “An act relating to ranked-choice voting for presidential  
4 primary elections” respectfully reports that it has considered the same and  
5 recommends that the bill be amended by striking out all after the enacting  
6 clause and inserting in lieu thereof the following:

7 \* \* \* Opt-in Ranked-Choice Voting System for Town, Cities,  
8 and Villages \* \* \*

9 Sec. 1. 17 V.S.A. chapter 55, subchapter 4 is added to read:

10 Subchapter 4. Ranked-Choice Voting

11 § 2691a. DEFINITIONS

12 As used in this subchapter:

13 (1) “Active candidate” means a candidate who has not been eliminated  
14 and who is not a withdrawn candidate.

15 (2) “By lot” means a method, determined by the Secretary of State, for  
16 randomly choosing between two or more active candidates.

17 (3) “Highest-ranked active candidate” means the active candidate  
18 assigned a higher ranking than any other active candidate.

19 (4) “Inactive ballots” means ballots that do not count as votes for any  
20 candidate due to one or more of the reasons listed in subdivision 2691d(c)(2)  
21 of this title.

1           (5) “Overvote” means an instance in which a voter assigned the same  
2           ranking to more than one candidate.

3           (6) “Ranking” means the number available to be assigned by a voter to a  
4           candidate to express the voter’s choice for that candidate. The number “1” is  
5           the highest ranking, followed by “2” and then “3” and so on.

6           (7) “Round” means an instance of the sequence of voting tabulation in  
7           accordance with section 2691d of this title.

8           (8) “Skipped ranking” means a voter does not assign a certain available  
9           ranking to any candidate but does assign a subsequent available ranking to a  
10          candidate.

11          (9) “Undervote” means a ballot on which a voter does not assign any  
12          ranking to any candidate in a particular contest.

13          (10) “Withdrawn candidate” means any candidate who has submitted a  
14          declaration of withdrawal in writing to the presiding officer, the effectiveness  
15          of which begins when filed with the presiding officer.

16          § 2691b. RANKED-CHOICE VOTING SYSTEM; APPLICATION

17          (a) Application. The provisions of the ranked-choice voting system  
18          described in this subchapter shall only apply to the election of a candidate  
19          running for an office in a town, city, or village if:

1           (1) a town, city, or village has voted to elect officers by the Australian  
2           ballot system pursuant to section 2680 of this title and is using the Australian  
3           ballot system in accordance with subsection 2680 of this title; and

4           (2) that town, city, or village has adopted the ranked-choice voting  
5           system described in this subchapter by either:

6           (A) a vote of the town, city, or village, at its annual meeting or at a  
7           special meeting called for that purpose; or

8           (B) a vote of the legislative body of that town, city, or village.

9           (b) Duration. Once a town, city, or village votes to adopt the ranked-choice  
10           voting system described in this subchapter, this ranked-choice voting system  
11           shall be used in that manner until:

12           (1) the town, city, or village votes to discontinue use of the system; or

13           (2) the legislative body of that town, city, or village votes to discontinue  
14           use of the system.

15           § 2691c. RANKED-CHOICE VOTING SYSTEM; BALLOTS

16           Notwithstanding any contrary provisions in section 2681a of this title, a  
17           ballot for an election using the ranked-choice system in a town, city, or village  
18           shall allow voters to rank candidates in order of ordinal preference.

19           (1) The names of all candidates on the ballot shall be listed in  
20           alphabetical order.

1           (2) The ballot shall allow voters to assign rankings to candidates that are  
2           equal to the number of printed candidate names and blank write-in lines.

3           § 2691d. RANKED-CHOICE VOTING TABULATION

4           (a) Tabulation rounds. In any election of a candidate running for an office  
5           in a town, city, or village, each ballot shall count as one vote for the highest-  
6           ranked active candidate on that ballot. Tabulation shall proceed in rounds, as  
7           follows:

8                   (1) Elections with one winner.

9                           (A) If there are two or fewer active candidates, then tabulation is  
10                           complete, and the candidate with the most votes is declared the winner of the  
11                           election.

12                           (B) If there are more than two active candidates, the active candidate  
13                           with the fewest votes is eliminated, the votes for the eliminated candidate are  
14                           transferred to each ballot's next-ranked active candidate, and a new round  
15                           begins.

16                   (2) Elections with multiple winners.

17                           (A) If the number of active candidates is equal to the number of seats  
18                           available plus one, then tabulation is complete, and the candidates with the  
19                           most votes are declared the winners of the election.

20                           (B) If the number of active candidates is more than the number of  
21                           seats available plus one, then the active candidate with the fewest votes is

1 eliminated, the votes for the eliminated candidate are transferred to each  
2 ballot's next-ranked active candidate, and a new round begins.

3 (3) Ties.

4 (A) If there is a tie between two active candidates with the fewest  
5 votes, the tie shall be resolved by lot to determine which candidate is defeated.  
6 The result of the tie resolution must be recorded and reused in the event of a  
7 recount.

8 (B) If there is a tie between the final active candidates, the presiding  
9 officer shall notify each active candidate involved in the tie, or the candidate's  
10 designee, to be present at the presiding officer's office or at the polling place at  
11 a certain time. At that time, the presiding officer shall select the winner of the  
12 tabulation by lot.

13 (b) Withdrawn candidates. Ranking orders containing withdrawn  
14 candidates shall be treated the same as ranking orders containing candidates  
15 who have been eliminated from tabulation.

16 (c) Inactive ballots and undervotes.

17 (1) In any round of tabulation, an inactive ballot does not count for any  
18 candidate and is not considered a vote for the purposes of determining which  
19 active candidate has the majority of the active votes in the final round of  
20 tabulation pursuant to subsection (a) of this section.

21 (2) A ballot is an inactive ballot if any of the following is true:

1           (A) The ballot does not rank any active candidates and is not an  
2 undervote.

3           (B) The ballot has reached an overvote.

4           (C) The ballot has reached two consecutive skipped rankings.

5           (3) An undervote does not count as either an active or inactive ballot in  
6 any round of tabulation.

7           § 2691e. RANKED-CHOICE VOTING RESULTS REPORTING

8           In addition to any other information required by law to be reported with  
9 final results, the following shall be made public:

10           (1) the total number of votes each candidate received in each round of  
11 the official tabulation, including votes for withdrawn candidates; and

12           (2) the total number of ballots that became inactive in each round  
13 because they did not contain any active candidates, reached an overvote, or  
14 reached two consecutive skipped rankings, reported as separate figures.

15           § 2691f. MUNICIPAL ORDINANCES

16           Municipalities shall have the power to adopt ordinances pursuant to  
17 24 V.S.A. chapter 59 for the purpose of the proper and efficient administration  
18 of the ranked-choice voting system in towns, cities, and villages, provided such  
19 ordinances do not controvert the provisions of this subchapter.

20           Sec. 2. FIRST PERMISSIBLE ELECTION USING RANKED-CHOICE  
21           VOTING SYSTEM

1        A town, city, or village may only use the ranked-choice voting system  
2        described in 17 V.S.A. chapter 55, subchapter 4 beginning at the 2024 annual  
3        meeting of that town, city, or village and then thereafter. A town, city, or  
4        village may nevertheless adopt pursuant to 17 V.S.A. § 2691b(a) a ranked-  
5        choice voting system in advance of the 2024 annual meeting.

6                                \* \* \* Voter and Presiding Officer Education \* \* \*

7        Sec. 3. VOTER AND PRESIDING OFFICER EDUCATION; SECRETARY  
8                                OF STATE’S OFFICE

9        The Secretary of State shall make available to voters in a town, city, or  
10       village that has adopted ranked-choice voting pursuant to 17 V.S.A. § 2691b  
11       information regarding the ranked-choice process and provide to presiding  
12       officers in those towns, cities, and villages training in order to assist them in  
13       implementing that process.

14                                \* \* \* Appropriation \* \* \*

15        Sec. 4. APPROPRIATION; UPGRADE OF SECRETARY OF STATE  
16                                ELECTION MANAGEMENT SYSTEM AND VOTE  
17                                TABULATORS

18        The sum of \$100,000.00 is appropriated from the General Fund to the  
19        Office of the Secretary of State in fiscal year 2024 to provide assistance and  
20        grants to those towns, cities, and villages that have adopted ranked-choice  
21        voting pursuant to 17 V.S.A. § 2691b.

\* \* \* Ranked-Choice Voting Study Committee \* \* \*

Sec. 5. RANKED-CHOICE VOTING; RANKED-CHOICE VOTING  
STUDY COMMITTEE; REPORT

(a) Creation. There is created the Ranked-Choice Voting Study Committee to examine issues in implementing ranked-choice voting in Vermont across all statewide elections.

(b) Membership. The Ranked-Choice Voting Study Committee shall be composed of the following members:

(1) two current members of the House of Representatives, not from the same political party, who shall be appointed by the Speaker of the House;

(2) two current members of the Senate, not from the same political party, who shall be appointed by the Committee on Committees;

(3) one designee, appointed by the Secretary of State;

(4) three designees, appointed by the Vermont Municipal Clerks' and Treasurers' Association, from different-sized towns, cities, and villages;

(5) one designee, appointed by the Vermont League of Cities and Towns;

(6) a member of an organization focused on the conduct of elections, who shall be appointed by the Speaker of the House; and

(7) a member of a different organization focused on the conduct of elections, who shall be appointed by the Senate Committee on Committees.



1        (c) Powers and duties. The Ranked-Choice Voting Study Committee shall  
2        study ranked-choice voting systems with the goals of having recommendations  
3        implemented for statewide primary elections occurring in 2026, including the  
4        following issues:

5            (1) education of voters;

6            (2) training of town clerks, presiding officers, and election staff;

7            (3) election integrity, security, and transportation of ballots;

8            (4) technological requirements in tabulators, hardware, and software;

9            (5) methodology of ranked-choice voting systems;

10           (6) canvassing of votes and roles of canvassing committees;

11           (7) post-election processes and reporting; and

12           (8) other items relating to the design and implementation of ranked-  
13        choice voting systems.

14        (d) Assistance. The Ranked-Choice Voting Study Committee shall have  
15        the administrative, technical, and legal assistance of the Vermont Office of  
16        Legislative Counsel and the Vermont Legislative Joint Fiscal Office.

17        (e) Report. On or before January 15, 2024, the Ranked-Choice Voting  
18        Study Committee shall report to the House Committee on Government  
19        Operations and Military Affairs and the Senate Committee on Government  
20        Operations with its findings and any recommendations for legislative action.

21        (f) Meetings.

1           (1) A member of the House of Representatives designated by the  
2           Speaker of the House shall call the first meeting of the Ranked-Choice Voting  
3           Study Committee to occur on or before July 1, 2023.

4           (2) The Ranked-Choice Voting Study Committee shall select a chair  
5           from among its members at the first meeting.

6           (3) A majority of the members of the Ranked-Choice Voting Study  
7           Committee shall constitute a quorum.

8           (4) The Ranked-Choice Voting Study Committee shall cease to exist on  
9           November 1, 2024.

10          (g) Compensation and reimbursement.

11           (1) For attendance at meetings during adjournment of the General  
12           Assembly, a legislative member of the Ranked-Choice Voting Study  
13           Committee serving in the legislator’s capacity as a legislator shall be entitled to  
14           per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.  
15           § 23 for not more than four meetings. These payments shall be made from  
16           monies appropriated to the General Assembly.

17           (2) Other members of the Ranked-Choice Voting Study Committee who  
18           are not paid for their services by the organization for which the member is  
19           representing on the Ranked-Choice Voting Study Committee shall be entitled  
20           to per diem compensation as permitted under 32 V.S.A. § 1010 for not more

1 than four meetings. These payments shall be made from monies appropriated  
2 to the Office of the Secretary of State.

3 (h) Appropriation. The sum of \$1,000.00 is appropriated to the Office of  
4 the Secretary of State from the General Fund in fiscal year 2024 for per diem  
5 compensation for members of the Committee.

6 \* \* \* Ranked-Choice Voting for Presidential Primary Elections \* \* \*

7 Sec. 6. REDESIGNATION

8 17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

9 Sec. 7. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

10 Subchapter 1. Presidential Primary

11 § 2700. DEFINITIONS

12 As used in this subchapter:

13 (1) “Active candidate” means a candidate who has not been eliminated  
14 and who is not a withdrawn candidate as set forth in subdivision (12) of this  
15 section.

16 (2) “By lot” means a method, determined by the Secretary of State, for  
17 randomly choosing between two or more active candidates.

18 (3) “Highest-ranked active candidate” means the active candidate  
19 assigned a higher ranking than any other active candidate.

1           (4) “Inactive ballots” means ballots that do not count as votes for any  
2           candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of  
3           this title.

4           (5) “Major political party” has the same meaning as in subdivision  
5           2103(23)(A) of this title.

6           (6) “Overvote” means an instance in which a voter assigned the same  
7           ranking to more than one candidate.

8           (7) “Ranking” means the number available to be assigned by a voter to a  
9           candidate to express the voter’s choice for that candidate. The number “1” is  
10          the highest ranking, followed by “2,” and then “3,” and so on.

11          (8) “Round” means an instance of the sequence of voting tabulation in  
12          accordance with section 2706 of this title.

13          (9) “Skipped ranking” means a voter does not assign a certain available  
14          ranking to any candidate but does assign a subsequent available ranking to a  
15          candidate.

16          (10) “Threshold for receiving delegates” means the number of votes  
17          necessary for a candidate to receive delegates in a presidential primary election  
18          conducted in accordance with subdivision 2705(a)(2) of this title.

19          (11) “Undervote” means a ballot on which a voter does not assign any  
20          ranking to any candidate in a particular contest.



1           (1) The ballot shall allow voters to rank candidates in order of choice.  
2           The names of all candidates on the ballot shall be listed in alphabetical order.  
3           ~~Each voter may vote for one candidate for the presidential nomination of one~~  
4           ~~party, either by placing a mark opposite the printed name of a candidate as in~~  
5           ~~other primaries, or by writing in the name of the candidate of the voter's~~  
6           ~~choice.~~

7           (2) The ballot shall allow voters to assign rankings to candidates that are  
8           equal to the number of printed candidate names and blank write-in lines,  
9           except to the extent established by the Secretary pursuant to section 2709 of  
10          this title.

11          § 2705. TYPE OF RANKED-CHOICE VOTING

12          (a) At least 150 days before the date of the presidential primary election,  
13          the State committee of each major political party shall confirm in writing with  
14          the Secretary of State whether the party will award delegates either:

15                 (1) on a winner-take-all basis in accordance with subsection 2706(d) of  
16                 this title; or

17                 (2) on a proportional basis in accordance with subsection 2706(e) of this  
18                 title, in which case the party shall also indicate the applicable threshold or  
19                 thresholds for receiving delegates.

20                 (b) If a party fails to provide notice, or its notice does not specify how the  
21                 party will award its delegates, the presidential primary election for that party

1 shall be tabulated on a winner-take-all basis in accordance with subsection  
2 2706(d) of this title.

3 (c) At least 120 days before the date of the presidential primary election,  
4 the Secretary of State shall confirm with the State committee of each political  
5 party that the State is capable of implementing the party's preferences as  
6 declared under subsection (a) of this section or shall notify the State committee  
7 of any feasibility constraints that could prevent the State from implementing  
8 the party's preferences.

9 § 2706. RANKED-CHOICE VOTING TABULATION

10 (a) Tabulation rounds. In any presidential primary election for a major  
11 political party, each ballot shall count as one vote for the highest-ranked active  
12 candidate on that ballot. Tabulation shall proceed in rounds. Each round  
13 proceeds sequentially as described in subsection (d) or (e) of this section, as  
14 applicable.

15 (b) Withdrawn candidates. Ranking orders containing withdrawn  
16 candidates shall be treated the same as ranking orders containing candidates  
17 who have been eliminated from tabulation.

18 (c) Inactive ballots and undervotes.

19 (1) In any round of tabulation, an inactive ballot does not count for any  
20 candidate and is not considered a vote for the purposes of determining either  
21 which active candidate has majority of the active votes in the final round of

1 tabulation pursuant to subsection (d) of this section or which active candidates  
2 possess a vote total above the threshold for receiving delegates pursuant to  
3 subsection (e) of this section.

4 (2) A ballot is an inactive ballot if any of the following is true:

5 (A) The ballot does not rank any active candidates and is not an  
6 undervote.

7 (B) The ballot has reached an overvote.

8 (C) The ballot has reached two consecutive skipped rankings.

9 (3) An undervote does not count as either an active or inactive ballot in  
10 any round of tabulation.

11 (d) Award of delegates on winner-take-all basis. If a major political party  
12 awards all of the State's delegates to a single candidate on a winner-take-all  
13 basis, tabulation shall proceed as follows:

14 (1) If there are two or fewer active candidates, then tabulation is  
15 complete and the candidate with the most votes is declared the winner of the  
16 election.

17 (2) If there are more than two active candidates, the active candidate  
18 with the fewest votes is eliminated, the votes for the eliminated candidate are  
19 transferred to each ballot's next-ranked active candidate, and a new round  
20 begins.



1           (3) If there is a tie between two active candidates with the fewest votes,  
2           the tie shall be resolved by lot to determine which candidate is defeated. The  
3           result of the tie resolution must be recorded and reused in the event of a  
4           recount.

5           (4) If there is a tie between the final two active candidates, the Secretary  
6           of State shall notify each active candidate involved in the tie, or the candidate's  
7           designee, to be present at the Secretary of State's office at a certain time. At  
8           that time, the Secretary of State shall select the winner of the tabulation by lot.

9           (e) Award of delegates on proportional basis. If a major political party  
10          awards the State's delegates to multiple candidates on a proportional basis,  
11          tabulation shall proceed as follows:

12           (1) If the vote total of every active candidate is above the threshold for  
13           receiving delegates as confirmed by the major political party pursuant to  
14           subdivision 2705(a)(2) of this title, then tabulation is complete.

15           (2) If any active candidate is below the threshold for receiving  
16           delegates, then the active candidate with the fewest votes is eliminated, votes  
17           for the eliminated candidate are transferred to each ballot's next-ranked active  
18           candidate, and a new round begins.

19           (3) If there is a tie between two active candidates with the fewest votes  
20           and tabulation is not yet complete, the tie shall be resolved by lot to determine

1 which candidate is defeated. The result of the tie resolution must be recorded  
2 and reused in the event of a recount.

3 (f) Certification of tabulation rounds. The Secretary of State shall certify  
4 the results of each round tabulated pursuant to subsection (d) or (e) of this  
5 section, as applicable, along with any other information required under section  
6 2707 of this title, to the State chairperson and the national committee of each  
7 political party that had at least one candidate on the State-administered  
8 presidential primary election ballot to allocate national delegate votes in  
9 accordance with the party’s State and national rules.

10 (g) Nothing in this act shall be construed to preclude a political party from  
11 allocating delegates according to its own rules for allocating such delegates.

12 § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

13 (a) Unofficial preliminary round-by-round results and unofficial  
14 preliminary cast vote records shall be released as soon as feasible after the  
15 polls close and at regular intervals thereafter until the counting of ballots is  
16 complete.

17 (1) Unofficial preliminary round-by-round results shall be clearly  
18 labeled as preliminary and, to the extent feasible, shall include the percent of  
19 ballots counted to date.

20 (2) Unofficial preliminary cast vote records shall be:

1           (A) clearly labeled as preliminary and, to the extent feasible, shall  
2           include the percent of ballots counted to date;

3           (B) published online in a publicly accessible, electronic format; and

4           (C) published in a manner consistent with the need to maintain voter  
5           privacy.

6           (b) In addition to any other information required by law to be reported with  
7           final results, the following shall be made public:

8                   (1) the total number of votes each candidate received in each round  
9                   of the official tabulation, including votes for withdrawn candidates;

10                   (2) the total number of ballots that became inactive in each round  
11                   because they did not contain any active candidates, reached an overvote, or  
12                   reached two consecutive skipped rankings, reported as separate figures; and

13                   (3) the cast vote records in a publicly accessible, electronic format  
14                   and by district, published in a manner consistent with the need to maintain  
15                   voter privacy.

16           (c) If a major political party allocates delegates by geographical unit or  
17           district, round-by-round results by geographical unit or district shall be made  
18           public in addition to state-wide results.

19           § 2708. CANVASSING COMMITTEE CERTIFICATES

20           When the canvassing committee provided for in section 2592 of this title  
21           prepares its certificate of election for a presidential primary election for a

1 major political party, the canvass shall state the number of final round votes  
2 received by each candidate who has received votes in the final round of  
3 tabulation.

4 Sec. 8. 17 V.S.A. § 2709 is added to read:

5 § 2709. RULEMAKING

6 The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for  
7 the proper and efficient administration of presidential primary elections,  
8 including procedures for ensuring that voting tabulators, voting tabulator  
9 memory cards, and related software are able to tabulate rank-choice voting  
10 when necessary; procedures for ensuring that the number of rankings allowed  
11 to voters be uniform across the State for any given contest, that the number of  
12 rankings allowed in any given contest be the maximum number allowed by the  
13 equipment, and that the number of rankings allowed be not fewer than three in  
14 any event; procedures for the release of unofficial preliminary round-by-round  
15 results and unofficial preliminary cast vote records; procedures for requesting  
16 and conducting recounts of the results of presidential primary elections for  
17 major candidates; and procedures for filing returns in accordance with  
18 section 2588 of this title.

19 \* \* \* Vote Tabulators; Returns \* \* \*

20 Sec. 9. TALLY SHEETS; SUMMARY SHEETS; RETURNS

