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H.512

Introduced by Committee on Government Operations

Date:

Subject: Elections; recounts; procedure for recounts

Statement of purpose of bill as introduced: This bill proposes to amend the procedure for conducting recounts.

An act relating to ~~the procedure for conducting recounts~~ *miscellaneous amendments to election law*

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

~~Sec. 1. 17 V.S.A. chapter 51, subchapter 9 is amended to read:~~

Subchapter 9. Recounts and Contest of Elections

§ 2601. ~~RECOUNTS~~ RECOUNT THRESHOLD

(a)(1) In an election for statewide office, county office, or State Senator, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is less than two percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

(b)(2) In an election for ~~all other offices~~ State Representative, if the ~~difference between the number of votes cast for a winning candidate and the~~

1 ~~number of votes cast for a losing candidate is less than five percent or less of~~  
2 the total votes cast for all the candidates for an office, divided by the number  
3 of persons to be elected, that losing candidate shall have the right to have the  
4 votes for that office recounted.

5 (b) In the case of a recount for a local election, the threshold and  
6 procedures for conducting the recount shall be as provided in chapter 55,  
7 subchapter 3 of this title.

8 § 2602. PETITIONS FOR RECOUNTS; SETTING DATE OF RECOUNT

9 ~~(a) In the case of recounts for local elections and recounts for the office of~~  
10 ~~justice of the peace, the procedures for conducting the recount shall be as~~  
11 ~~provided in subchapter 3 of chapter 55 of this title. [Repealed.]~~

12 (b) In the case of recounts ~~other than specified~~ described in subsection  
13 2601(a) of this section ~~subchapter~~, the following procedure shall apply.

14 (1) A petition for a recount shall be filed within seven calendar days  
15 after the election.

16 (2) The petition shall be filed with:

17 (A) the Civil Division of the Superior Court, Washington County, in  
18 the case of candidates for State or congressional office, or for a presidential  
19 election; ~~the petition shall be filed with or~~

20 (B) the Superior Court in any county in which votes were cast for the  
21 ~~office to be recounted, in the case of any other office.~~

1 ~~(3) The petition shall be supported, if possible, by a certified copy of the~~  
2 certificate of election prepared by the canvassing committee, verifying the  
3 total number of votes cast and the number of votes cast for each candidate.

4 (c)(1) The Superior Court shall:

5 (A) set the date of the recount to be:

6 (i) five business days after the Court receives the petition for, in  
7 the case of a primary recount; or

8 (ii) 10 business days after the Court receives the petition, in the  
9 case of a general election recount; and shall

10 (B) notify all candidates of that the recount date no later than the  
11 next business day after the petition is received.

12 (2)(A) The Superior Court shall forward a copy of the petition to the  
13 county clerk.

14 (B) The Court shall order the town clerk or clerks having custody of  
15 the ballots to be recounted or their designees to transport them to the county  
16 clerks of their respective counties before the day set for the recount.

17 (C) ~~County clerks~~ The county clerk shall store all ballots, still in their  
18 sealed containers, in ~~their vaults~~ his or her vault until the day of the recount.

19 (d)-(h) [Repealed.]

20 (i) The Secretary of State shall bear the costs of recounts covered under  
21 this chapter. [Repealed.]

~~§ 2602a. APPOINTMENT OF RECOUNT COMMITTEE; SETTING DATE~~

~~OF RECOUNT~~

~~(a)(1) Upon receipt of a petition, the county clerk shall notify the chairs of the relevant county political committees that a petition has been filed requesting a recount and advising them to submit immediately a list of nominees for individuals to serve on a recount committee.~~

~~(2) In the case of a recount in a primary election, the county clerk shall notify all candidates for the office which that is the subject of the recount, advising them to each submit immediately a list of a minimum of 10 nominees for individuals to serve on a recount committee.~~

~~(3) If a candidate for an office which is the subject of a recount is from a party which does not have a county committee, the county clerk shall send a copy of the notice to the State committee of the party advising them to submit immediately a list of nominees for individuals to serve on a recount committee.~~

~~(4) If a candidate for an office which is the subject of a recount is independent, the county clerk shall send that candidate a copy of the notice and request him or her to submit immediately a similar list of nominees for individuals to serve on a recount committee.~~

~~(5)(2)(A) If a list of nominees is not delivered to the county clerk within two business days, the clerk shall notify the appropriate candidates that they~~

1 have 24 hours to submit lists of nominees for individuals to serve on the  
2 recount committee.

3 (B) If the petitioning candidate fails to submit a complete list of  
4 nominees by this deadline, the recount shall not move forward.

5 (C) If any other candidate fails to submit a complete list of nominees,  
6 the county clerk shall request additional nominees from the other candidates.

(b)(1) The Superior Court shall make a minimum of 12 appointments to  
the recount committee from among those nominated under this section, *with*  
*the number of appointments based on the number of votes to be recounted and*  
*a goal of completing the recount within one day.*

7 (2) In making these appointments, the court shall appoint an equal  
8 number of persons from each party and from those persons representing an  
9 independent each candidate, to the extent practicable.

10 § 2602b. ASSIGNMENT OF DUTIES; RECOUNT MATERIALS

11 (a)(1) The county clerk shall supervise the recount and ~~may appoint a~~  
12 ~~sufficient number of impartial assistants to perform appropriate tasks which~~  
13 ~~have not been assigned to recount committee members.~~ The county clerk shall  
14 recruit town clerks or their designees to serve as impartial assistants to the  
15 county clerk for operating the vote tabulators, and shall consult with the  
16 Secretary of State to identify any vote tabulators to be used.

17 ~~(2) The county clerk shall store all ballots, still in their sealed~~

1 ~~containers, in his or her vault until the day of the recount may appoint a~~  
2 sufficient number of additional impartial assistants to perform tasks that have  
3 not been assigned to recount committee members.

4 (3) On each day of the recount, the town clerk of any town subject to  
5 the recount shall be available to the county clerk in person or by telephone to  
6 answer any questions the county clerk may have regarding that town's  
7 election.

8 (b)(1) The county clerk shall assign committee members to the following  
9 teams of at least four persons, consisting of one caller and one observer,  
10 representing different candidates, and one tally person and one double-check  
11 person, representing different candidates:

12 (A) Counting teams comprising at least four persons each, consisting  
13 of an equal number of persons from each of the lists of nominees;

14 (B) One vote tabulator team, comprising two persons, each of whom  
15 is from a different list of nominees; and

16 (C) One clerk observer team, comprising two persons, one of whom  
17 is from the list of the petitioning candidate and one of whom, if possible, is  
18 from the list of the winning candidate who received the lowest number of  
19 votes.

20 (2) Any additional team members shall be additional observers and  
21 double-check persons, who shall be assigned to ensure that each candidate has

1 ~~one person assigned as either a caller or an observer and one person assigned~~  
2 ~~as either a tally person or a double-check person. One team shall be designated~~  
3 ~~as the clerk-observer team, which shall perform only the functions established~~  
4 ~~under this subchapter for that team remain unassigned and shall be used as~~  
5 ~~necessary on the day of the recount.~~

6 (c) ~~The recount committee shall use~~ Secretary of State shall provide to the  
7 recount committee:

8 (1) ~~fresh seals, manila tags, tally sheets, double-check sheets, summary~~  
9 ~~sheets for each polling place town, master lists for the entire election to be~~  
10 ~~recounted, and other appropriate material provided deemed appropriate by the~~  
11 ~~Secretary of State; and~~

12 (2) the official return of votes for each town subject to the recount.

13 § 2602c. PREPARATION FOR RECOUNT; GENERAL RULES

14 (a) Recount area; preserving order.

15 (1)(A) The county clerk shall designate an area within which the  
16 recount shall take place.

17 (B) Persons who are not committee members or who have not been  
18 designated as impartial assistants by the county clerk shall be permitted to  
19 view the recount in progress, but shall not be permitted within the recount  
20 area.

21 ~~(2) The county clerk shall preserve order. If a person, after notice, is~~

1 ~~persistently disorderly and refuses to withdraw from the premises, the county~~  
2 ~~clerk may cause the person to be removed from the premises.~~

3 (b) Preliminary requirements. Before the recount begins, ~~the~~ and any  
4 containers are opened:

5 (1) Explaining procedures. The county clerk shall explain the recount  
6 procedures ~~which that~~ are to be followed and shall answer questions relating to  
7 such procedures. ~~The county clerk shall use volunteer town clerks to operate~~  
8 ~~and instruct on the use of vote tabulators.~~

9 (2) Blank ballots; vote tabulator test.

10 (A) The county clerk shall obtain blank ballots from the town clerks  
11 of the towns subject to the recount. These blank ballots shall be used as test  
12 ballots to perform the vote tabulator test described in this subdivision (2).

13 (B)(i) The vote tabulator team shall perform a test of the vote  
14 tabulators that will be used by marking and feeding into each tabulator a  
15 minimum of 10 test ballots. The test ballots shall be marked with various  
16 votes for each candidate for the office subject to the recount.

17 (ii) If more than one memory card is to be used, such a test shall  
18 be performed for each memory card.

19 (C) If a vote tabulator does not tabulate these votes accurately, it  
20 shall not be used.

21 ~~(D) Once the test is completed, these ballots and the tabulator tape~~



1 ~~containing the results of the test shall be sealed in an envelope that shall be~~  
2 ~~dated and marked "TEST BALLOTS—DO NOT COUNT." This envelope~~  
3 ~~shall then be kept separate from the rest of the containers.~~

4 ~~(b)(c) Tables. Each team shall have a separate table and the county clerk~~  
5 ~~shall have a separate table, and all of these tables shall be spaced apart.~~

6 ~~(d) Separating containers, polling places, and towns. Each recount team~~  
7 ~~shall:~~

8 ~~(1) recount the contents of one container before opening another~~  
9 ~~container at its table, shall;~~

10 ~~(2) recount the contents of all the containers relating to one polling~~  
11 ~~place before moving to those of another polling place, and shall~~

12 ~~(3) complete the recount for one town before moving to material~~  
13 ~~relating to another town.~~

14 ~~(e)(e) Recording containers. For each polling place town, the number of~~  
15 ~~containers shall be counted and recorded on the master list summary sheet for~~  
16 ~~that town.~~

17 ~~(d)(f) Inspecting containers and seals.~~

18 ~~(1) Containers. Before opening, each container shall be inspected, and~~  
19 ~~if no tag is present, replacement manila tags shall be affixed, specifying date of~~  
20 ~~election and name of town and polling place.~~

21 ~~(2) Seals.~~

1 ~~(A) Likewise, each~~ Each seal shall be examined inspected to see if it  
2 is intact, and the county clerk shall attach to any bag container with a defective  
3 seal a tag stating that the seal was defective and containing the information  
4 which that was contained on the defective seal.

5 (B) If a seal number does not match the seal number reported by the  
6 town clerk on the official return of votes, the county clerk shall contact the  
7 town clerk to request an explanation for that difference. The county clerk shall  
8 record any explanation on the summary sheet for that town.

9 ~~(e)(g) Uncounted containers.~~ Uncounted containers shall be kept in one  
10 part of the room and moved to the other side as they are counted; each team  
11 shall have a separate table and the county clerk shall have a separate table, all  
12 of which tables shall be spaced apart.

13 ~~(f)(h) Checklist container.~~ If there is more than one container from a  
14 polling place, the county clerk shall open first the container which that is  
15 identified as containing the checklist, if applicable.

16 (i) Opening containers. ~~Upon opening the first container in the presence of~~  
17 ~~the clerk observer team, the~~ The county clerk shall empty the contents of each  
18 container onto the clerk's his or her table in the presence of the clerk observer  
19 team.

20 (j) Materials not to be distributed. The county clerk shall ensure that teams  
21 are not given, and the teams shall not count.

1 ~~(1) ballots marked defective or contained in a defective ballot envelope;~~

2 ~~(2) unused ballots, early or absentee ballots which arrived after the close~~  
3 ~~of polls, that were not distributed to voters; or~~

4 ~~(3) ballots spoiled returned by voters and turned in by voters requesting~~  
5 ~~fresh who requested replacement ballots, or ballots contained in a replaced~~  
6 ~~ballot envelope.~~

7 ~~(k) Recording defective ballots. In the presence of the clerk observer team,~~  
8 ~~the county clerk shall mark the number of defective ballots from the official~~  
9 ~~return of votes for each town on the summary sheet for that town.~~

10 § 2602d. REVIEW OF OFFICIAL RETURN OF VOTES; EXAMINATION  
11 OF CHECKLISTS CHECKLIST

12 ~~(a)(1) The county clerk shall review the official return of votes for each~~  
13 ~~town, record on the summary sheet for each town the number of ballots~~  
14 ~~counted and the number of voters checked off the checklist on the town's~~  
15 ~~return, and if those two numbers are the same, the checklist for that town shall~~  
16 ~~not be examined.~~

17 ~~(2) If those two numbers for a town are not the same, the checklist shall~~  
18 ~~be examined in accordance with the following provisions of this section.~~

19 ~~(b) The checklist from the first bag container shall be assigned to a team.~~  
20 ~~The caller and observer Two persons who represent different candidates, each~~  
21 ~~acting independently, shall examine the checklist and determine how many~~

1 ~~voters voted at the polling place, repeating the process until they agree on a~~  
2 number or until they agree to disagree on a number.

3 ~~(b)(c)~~ Then the checklist shall be examined by the tally person and the  
4 ~~double-check person~~ the remaining members of the team, repeating the process  
5 until they agree on a number or they agree to disagree on the number.

6 ~~(e)(d)~~ The results obtained from the two subgroups will be compared and if  
7 they do not match, the process shall be repeated until there is agreement  
8 among all the members of the team or until team members agree to disagree.

9 ~~(d)(e)~~ The number finally determined by a majority of team members shall  
10 be submitted to the county clerk in the presence of the clerk observer team,  
11 together with an indication of the nature and extent of ~~the~~ any disagreement.

12 ~~(f)~~ ~~If one or more team members do not agree with the number submitted,~~  
13 ~~the~~ The county clerk shall note on the master list the fact summary sheet for  
14 the town the number finally determined, together with a note indicating that  
15 the number of people appearing as having voted on a specified the checklist  
16 was subject to dispute, if one or more team members did not agree with the  
17 number submitted.

18 § 2602e. SORTING BALLOTS; BALLOT REVIEW; RECOUNT OF

19 REMOVED BALLOTS BY HAND

20 (a) Sorting ballots.

21 ~~(1) While the checklist is being examined, if applicable under~~

1 ~~subsection 2602d of this subchapter, after emptying a container onto his or her~~  
2 table, the county clerk shall separate ballots from the container into a number  
3 of batches equal to the number of counting teams, with each batch being of  
4 approximately equal size.

5 (2) Each counting team shall take a batch of ballots from the county  
6 clerk's table and take that batch to the counting team's table.

7 (3) Two persons who represent different candidates on a counting team  
8 shall sort that batch into stacks of 50 ballots, and the remaining members of  
9 the team shall recount each stack to ensure that there are 50 ballots in it.

10 (4)(A) The counting teams shall combine any ballots not placed into a  
11 stack of 50, and one of those counting teams shall separate those combined  
12 ballots into stacks of 50 and recount them in accordance with subdivision (3)  
13 of this subsection.

14 (B) For any final stack that contains fewer than 50 ballots, the county  
15 clerk shall affix to the top of that stack a note indicating how many ballots are  
16 contained in it.

17 (b) Ballot review and removal.

18 (1)(A) For each stack, a counting team shall review each ballot within  
19 the stack and remove from that stack each ballot upon which, for the office in  
20 question, the voter recorded his or her vote or votes in that race in any manner  
21 other than completely filling in the oval to the right of the candidate's name.

1 (B) Each counting team shall also remove any plain paper or  
2 damaged ballots.

3 (2) A ballot shall be removed only if at least two members of the  
4 counting team agree to its removal.

5 (3) A ballot without markings for the office in question shall not be  
6 removed.

7 (4) A ballot that is not removed upon this first review shall not be  
8 reviewed again.

9 (c) Delivery of remaining ballots.

10 (1) Each counting team shall then count the number of ballots that  
11 remain in a stack in accordance with the process set forth in subdivision (a)(3)  
12 of this section and attach to that stack a note with that number.

13 (2) Two members representing different candidates on a counting team  
14 shall deliver those ballots to the vote tabulator team, while the remaining  
15 members of the counting team stay at the table with the removed ballots.

16 (d) Hand count of removed ballots; questionable votes.

17 (1) Each counting team shall then separate the removed ballots into  
18 stacks of 50 in accordance with the process set forth in subdivision (a)(3) of  
19 this section.

20 (2) The counting team shall then hand count the votes for the office in  
21 question on the removed ballots, and mark the results on a tally sheet for each

1 ~~stack of 50 removed ballots and any remaining stack with less than 50~~

2 (3)(A) This hand count shall be in accordance with the rules for  
3 counting ballots set forth in section 2587 of this chapter, except that if two  
4 persons on the counting team do not agree on how to count a vote, the ballot  
5 shall be set aside as containing a questionable vote.

6 (B)(i) For any questionable vote, a copy of the ballot shall be made,  
7 and this copy shall be clearly marked on its face identifying it as a copy. Once  
8 the recount of a container is completed, any such copies shall be placed on the  
9 top of the other ballots and shall remain together with the other ballots.

10 (ii) Each original ballot with a questionable vote shall be attached  
11 to a note that identifies it by town, county, polling place, and container seal  
12 number. The originals of these ballots with questionable votes shall be clipped  
13 to the summary sheet for that town, along with a copy of the official return of  
14 votes, and submitted to the court for a final decision.

15 (iii) The county clerk shall record the number of ballots  
16 containing questionable votes to be submitted to the court on the summary  
17 sheet for the town.

18 (C) At the end of the hand count for a container, two persons from  
19 each counting team who represent different candidates shall deliver any tally  
20 sheets from their table to the county clerk in the presence of the clerk observer  
21 team.

1 ~~(D) The county clerk, in the presence of the clerk observer team,~~  
2 shall record the totals from each tally sheet onto the summary sheet for the  
3 town.

4 (e) This process shall be completed for as many containers as there are for  
5 each town.

6 § 2602f. RECOUNT OF REMAINING BALLOTS BY VOTE TABULATOR

7 (a) The vote tabulator team shall operate any vote tabulator used in the  
8 recount, with the assistance of the recruited town clerks or designees.

9 (b) The vote tabulator memory card shall be programmed to read only the  
10 votes for the election that is the subject of the recount.

11 ~~(c)(1) Vote tabulator-readable At the same time as any removed ballots are~~  
12 ~~being hand counted, the vote tabulator team shall take any ballots from each~~  
13 ~~container shall be fed delivered to them, and feed them through a vote~~  
14 ~~tabulator by one team until all vote tabulator-readable ballots from the~~  
15 ~~container have been entered. For ballots unable to be read by a vote tabulator,~~  
16 ~~such as damaged or plain paper ballots, a second team shall collect these~~  
17 ~~ballots from the pile and transfer the voter's choices on those ballots to blank~~  
18 ~~ballots provided by the Secretary of State. After all of the vote tabulator-~~  
19 ~~readable ballots have been fed through the vote tabulator, the first team shall~~  
20 ~~feed through the vote tabulator any transfer ballots created by the second team.~~

21 ~~(2) The recount teams shall switch roles for each subsequent container~~



1 ~~of ballots of a polling place that are to be fed through the vote tabulator, if~~  
2 ~~there is more than one container per polling place. The vote tabulator team~~  
3 ~~shall attempt to feed ballots into the vote tabulator in the same direction.~~

4 ~~(3)(A) If the tabulator refuses a ballot, the vote tabulator team shall~~  
5 ~~announce that occurrence and whether the ballot was counted, and may~~  
6 ~~override that refusal.~~

7 ~~(B) If the tabulator continues to refuse the ballot, the vote tabulator~~  
8 ~~team shall announce that occurrence and return it to a counting team for hand~~  
9 ~~counting.~~

10 ~~(4) This process shall be used until all ballots from a polling place~~  
11 ~~container have been tabulated by a vote tabulator or otherwise returned to a~~  
12 ~~counting team for hand counting.~~

13 ~~(b)(d)(1) This process shall be repeated until all ballots from a town have~~  
14 ~~been fed through a vote tabulator.~~

15 ~~(2) If there is more than one container for a town, the tabulator tape~~  
16 ~~shall not be printed until ballots from all containers for that town have been~~  
17 ~~tabulated.~~

18 ~~(e)(1) After all ballots from a polling place town have been tabulated by a~~  
19 ~~vote tabulator, a recount team the vote tabulator team shall print the tabulator~~  
20 ~~tape containing the unofficial results and document those results on a tally~~  
21 ~~sheet for that town, and deliver that tabulator tape to the county clerk in the~~

1 ~~presence of the clerk observer team.~~

2 (2) The county clerk shall then record the totals from the tabulator tape  
3 onto the summary sheet for the town in the same manner that he or she  
4 recorded the individual tally sheet totals from the hand-counted ballots.

5 ~~Another recount team shall then open the tabulator's ballot box and remove all~~  
6 ~~ballots. The ballots shall then be divided among the recount teams to be~~  
7 ~~examined to find write-in names and markings of voter intent that were not~~  
8 ~~vote tabulator-readable as outlined in the Secretary of State's vote tabulator~~  
9 ~~guide and most recent elections procedures manual. A caller, tally person, and~~  
10 ~~double-check person shall be used to examine the ballots removed from the~~  
11 ~~ballot box. If the caller and the observer or observers do not agree on how a~~  
12 ~~ballot should be counted, the entire team shall review the ballot and if all~~  
13 ~~members agree, it shall be counted that way.~~

14 ~~(c) If one person does not agree, that ballot shall be set aside as a~~  
15 ~~questioned ballot and a copy shall be made, which copy shall be clearly~~  
16 ~~marked on its face identifying it as a copy. Any copies shall be placed on the~~  
17 ~~top of the other ballots and shall remain together with the other ballots. Each~~  
18 ~~original ballot deemed questionable shall be attached to a note which identifies~~  
19 ~~it by town, county, polling place, and bag seal number. The originals of these~~  
20 ~~questionable ballots shall be clipped to the summary sheet for that polling~~  
21 ~~place and returned to the court for a final decision.~~

1 ~~(d) After the court has rendered a final decision on a given questionable~~  
2 ~~ballot, it shall be returned to the county clerk who shall keep it in a sealed~~  
3 ~~container for a period of two years.~~

4 ~~(e) Write-in votes for preprinted candidates shall be counted as votes for~~  
5 ~~that candidate.~~

6 ~~(f) If the tally persons do not agree on the number of votes for a candidate~~  
7 ~~on ballots not able to be read by the vote tabulator, the ballots shall be retallied~~  
8 ~~until they do agree. Then the team shall notify the clerk that it has completed~~  
9 ~~its recount.~~

10 § 2602h. COMPLETING THE TALLY

11 ~~(a) The county clerk shall return all ballots to their container, seal the~~  
12 ~~container, record the seal number on the summary sheet, and write "recounted"~~  
13 ~~and specify the date of the recount on the tag.~~

14 ~~(b) After In the presence of the clerk observer team, the county clerk shall~~  
15 ~~add together the hand count and vote tabulator totals for a polling place have~~  
16 ~~been listed each town, as recorded on the tally sheets and vote tabulator tape~~  
17 ~~submitted to him or her, the county clerk shall add them up in the presence of~~  
18 ~~the clerk observer team, and record those totals on the summary sheet for that~~  
19 ~~town, and affix his or her seal to that summary sheet.~~

20 ~~(c)(1) The county clerk shall compare the number of ballots recounted for~~  
21 ~~that town with the number of voters who voted at that ballots counted at the~~

1 ~~polling place, according to the number obtained from the team that examined~~  
2 ~~the certified checklist town as reported on the official return of votes, and with~~  
3 ~~the number of voters who voted at that town according to the checklist~~  
4 ~~examination, as applicable under section 2602d of this subchapter and~~  
5 ~~recorded by the county clerk on the summary sheet in accordance with that~~  
6 ~~section.~~

7 (2) If these numbers differ, the county clerk shall note the amount of the  
8 difference on the summary sheets for that ~~polling place town~~.

9 (d) ~~If there is more than one town subject to the recount:~~

10 (1) ~~this process shall be repeated for each town; and~~

11 (2) ~~once all towns have been recounted, the county clerk shall add~~  
12 ~~together the totals from each town and record the total for all towns on a~~  
13 ~~master summary sheet and affix his or her seal to that sheet.~~

14 (b) ~~The county clerk shall return all ballots to the container, seal it, record~~  
15 ~~the seal number on the summary sheet, write "recounted" and specify the date~~  
16 ~~of the recount on the tag, and move it to the other side of the room, making~~  
17 ~~sure that there is never more than one bag open at any one time.~~

18 (c) ~~This procedure shall be repeated for each container, until the results~~  
19 ~~from a polling place have been recounted, and then it shall be repeated until~~  
20 ~~the results from all polling places in a town have been recounted, and then~~  
21 ~~until the results from all towns have been recounted.~~

1 ~~(d) The county clerk shall add the totals on each summary sheet, affix the~~  
2 ~~clerk's seal, and~~

3 ~~(e) The county clerk shall send the summary sheets for all polling places~~  
4 ~~towns together with the any master list summary sheet, the ballots marked~~  
5 ~~defective or contained in a defective ballot envelope, and any questionable~~  
6 ~~original ballots containing questionable votes to the court by certified mail,~~  
7 ~~return receipt requested, or shall certify the results to the judge.~~

8 § 2602i. COSTS

9 ~~(a) Recount committee members and assistants designated by the county~~  
10 ~~clerk shall be paid by the State at the same per diem and mileage rates and~~  
11 ~~according to the same procedures by which jurors are paid.~~

12 ~~(b)(1) These and other necessary expenses, as approved by the court, shall~~  
13 ~~be paid by the State through the Court Administrator's Office.~~

14 ~~(2) The Secretary of State shall bear the cost of recounts conducted~~  
15 ~~under this subchapter and shall reimburse the Court Administrator's Office.~~

16 § 2602j. ~~OTHER RULES FOR CONDUCTING THE RECOUNT COURT~~

17 HEARING AND JUDGMENT

18 ~~(a) The county clerk shall preserve order. If a person, after notice, is~~  
19 ~~persistently disorderly and refuses to withdraw from the premises, the county~~  
20 ~~clerk may cause the person to be removed from the premises. [Repealed.]~~

21 ~~(b) The county clerk shall designate an area within which the recount shall~~

1 ~~take place. Persons who are not committee members shall be permitted to view~~  
2 ~~a recount in progress, but persons not authorized by the county clerk shall not~~  
3 ~~be permitted within the area designated by the county clerk. [Repealed.]~~

4 (c) Candidates and their attorneys shall be given the opportunity to present  
5 evidence to the court relating to the conduct of the recount or the marking of  
6 any ballot as defective in accordance with section 2547 of this title, or both.

7 (d) If the court determines that any violations of recount procedures have  
8 occurred and that they may have affected the outcome of the recount, a new  
9 recount shall be ordered.

10 (e) After such hearings or arguments as may be indicated under the  
11 circumstances, the Superior Court, within five working days, shall:

12 (1) issue a judgment, which shall supersede any certificate of election  
13 previously issued;

14 (2) send a certified copy of the judgment to the Secretary of State; and  
15 shall

16 (3) return to the county clerk any ballots containing questionable ballots  
17 which votes that had been forwarded to the court.

18 § 2602k. ~~AFTER THE RECOUNT~~ TIES

19 (a) If the recount results in a tie, the court shall order a recessed run off  
20 election to be held, within three weeks of the recount, on a date set by the  
21 court.

1 ~~(b) The only candidates who shall appear on the ballot at the recessed~~  
2 ~~runoff election shall be those who tied in the previous election.~~

3 (c) The recessed runoff election shall be considered a separate election for  
4 the purpose of voter registration under chapter 43 of this title.

5 (d) If the recount confirms a tie as to any public question, ~~no recessed a~~  
6 ~~runoff~~ election shall not be held, and the question shall be certified not to have  
7 passed.

8 (e) Warnings for a recessed runoff election shall be posted as required by  
9 subchapter 5 of this chapter, except that the warnings shall be posted not less  
10 than 10 days before the recessed runoff election.

11 (f) The conduct of a recessed runoff election shall be as provided in this  
12 chapter for general elections.

13 ~~(b) After the recount, the county clerk shall seal the ballots and other~~  
14 ~~materials back in the containers and store them in the county clerk's vault until~~  
15 ~~returned to the towns. The county clerk shall return all ballots to the respective~~  
16 ~~town clerks after issuance of the court's judgment, together with a copy of the~~  
17 ~~judgment. The respective town clerks or their designees shall transport the~~  
18 ~~ballots to the towns from which they came.~~

19 ~~(c) The court shall send a certified copy of the judgment to the Secretary of~~  
20 ~~State.~~

21 ~~§ 2602iii. STORAGE AND RETURN OF ELECTION MATERIALS~~

1 ~~(a)(1) After the recount, the county clerk shall store the sealed containers~~  
2 ~~and any other recount materials in the county clerk's vault until returned to the~~  
3 ~~towns.~~

4 (2) The county clerk shall release all containers to the respective town  
5 clerks after issuance of the court's judgment, together with a copy of the  
6 judgment.

7 (3) The respective town clerk or their designees shall transport the  
8 containers to the towns from which they came.

9 (b) Upon receiving from the court any ballots containing questionable  
10 votes, the county clerk shall keep them in a sealed container for a period of  
11 two years.

12 \* \* \*

13 Sec. 2. EFFECTIVE DATE

14 ~~This act shall take effect on July 1, 2017.~~

*\* \* \* Primary and General Election Recounts \* \* \**

*Sec. 1. 17 V.S.A. chapter 51, subchapter 9 is amended to read:*

*Subchapter 9. Recounts and Contest of Elections*

*§ 2601. RECOUNTS RECOUNT THRESHOLD*

*(a)(1) In an election for statewide office, county office, or State Senator, if  
the difference between the number of votes cast for a winning candidate and  
the number of votes cast for a losing candidate is less than two percent or less*



*of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.*

*(b)(2) In an election for ~~all other offices~~ State Representative, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is ~~less than~~ five percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.*

*(b) In the case of a recount for a local election, the threshold and procedures for conducting the recount shall be as provided in chapter 55, subchapter 3 of this title.*

*§ 2602. PETITIONS FOR RECOUNTS; SETTING DATE OF RECOUNT*

*~~(a) In the case of recounts for local elections and recounts for the office of justice of the peace, the procedures for conducting the recount shall be as provided in subchapter 3 of chapter 55 of this title. [Repealed.]~~*

*(b) In the case of recounts ~~other than specified~~ described in subsection 2601(a) of this ~~section~~ subchapter, the following procedure shall apply.*

*(1) A petition for a recount shall be filed within seven calendar days after the election.*

*(2) The petition shall be filed with:*

*(A) the Civil Division of the Superior Court, Washington County, in the case of candidates for State or congressional office, or for a presidential election; ~~the petition shall be filed with~~ or*

*(B) the Superior Court in any county in which votes were cast for the office to be recounted, in the case of any other office.*

*(3) The petition shall be supported, if possible, by a certified copy of the certificate of election prepared by the canvassing committee, verifying the total number of votes cast and the number of votes cast for each candidate.*

*(c)(1) The Superior Court shall:*

*(A) set the date of the recount to be:*

*(i) five business days after the Court receives the petition ~~for,~~ in the case of a primary recount; or*

*(ii) 10 business days after the Court receives the petition, in the case of a general election recount; and shall*

*(B) notify all candidates of ~~that~~ the recount date no later than the next business day after the petition is received.*

*(2)(A) The Superior Court shall forward a copy of the petition to the county clerk.*

*(B) The Court shall order the town clerk or clerks having custody of the ballots to be recounted or their designees to transport ~~them~~ the ballots and a copy of the entrance checklist from the election to be recounted to the county*

*clerks of their respective counties before the day set for the recount.*

*~~(C) County clerks~~ The county clerk shall store all ballots, still in their sealed containers, in their vaults his or her vault until the day of the recount.*

*~~(d)-(h) [Repealed.]~~*

*~~(i) The Secretary of State shall bear the costs of recounts covered under this chapter. [Repealed.]~~*

*§ 2602a. APPOINTMENT OF RECOUNT COMMITTEE; ~~SETTING DATE OF RECOUNT~~*

*~~(a)(1) Upon receipt of a petition, the county clerk shall notify the chairs of the relevant county political committees that a petition has been filed requesting a recount and advising them to submit immediately a list of nominees for individuals to serve on a recount committee.~~*

*~~(2) In the case of a recount in a primary election, the county clerk shall notify all candidates for the office which that is the subject of the recount, advising them to each submit immediately a list of a minimum of 10 nominees for individuals to serve on a recount committee.~~*

*~~(3) If a candidate for an office which is the subject of a recount is from a party which does not have a county committee, the county clerk shall send a copy of the notice to the State committee of the party advising them to submit immediately a list of nominees for individuals to serve on a recount committee.~~*

*~~(4) If a candidate for an office which is the subject of a recount is~~*

~~independent, the county clerk shall send that candidate a copy of the notice and request him or her to submit immediately a similar list of nominees for individuals to serve on a recount committee.~~

~~(5)(2)(A) If a list of nominees is not delivered to the county clerk within two business days, the clerk shall notify the appropriate candidates that they have 24 hours to submit lists of nominees for individuals to serve on the recount committee.~~

~~(B) If the petitioning candidate fails to submit a complete list of nominees by this deadline, the recount shall not move forward.~~

~~(C) If any other candidate fails to submit a complete list of nominees, the county clerk shall request additional nominees from the other candidates.~~

~~(b)(1) The Superior Court shall make a minimum of 12 appointments to the recount committee from among those nominated under this section, with the number of appointments based on the number of votes to be recounted and a goal of completing the recount within one day.~~

~~(2) In making these appointments, the court shall appoint an equal number of persons from each party and from those persons representing an independent each candidate, to the extent practicable.~~

§ 2602b. ASSIGNMENT OF DUTIES; RECOUNT MATERIALS

~~(a)(1) The county clerk, with the support of the Secretary of State, shall supervise the recount and may appoint a sufficient number of impartial~~

~~assistants to perform appropriate tasks which have not been assigned to recount committee members. The county clerk shall recruit town clerks or their designees to serve as impartial assistants to the county clerk for operating the vote tabulators, and shall consult with the Secretary of State to identify any vote tabulators to be used.~~

~~(2) The county clerk shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount may appoint a sufficient number of additional impartial assistants to perform tasks that have not been assigned to recount committee members.~~

~~(3) On each day of the recount, the town clerk of any town subject to the recount shall be available to the county clerk in person or by telephone to answer any questions the county clerk may have regarding that town's election.~~

~~(b)(1) The county clerk shall assign committee members to the following teams of at least four persons, consisting of one caller and one observer, representing different candidates, and one tally person and one double-check person, representing different candidates;~~

~~(A) Counting teams comprising at least four persons each, consisting of an equal number of persons representing each candidate, to the extent possible;~~

~~(B) One vote tabulator team, comprising two persons, each of whom represents a different candidate; and~~

(C) One clerk observer team, comprising two persons, one of whom is from the list of the petitioning candidate and one of whom, if possible, is from the list of the winning candidate who received the lowest number of votes.

(2) Any additional team members shall be ~~additional observers and double-check persons, who shall be assigned to ensure that each candidate has one person assigned as either a caller or an observer and one person assigned as either a tally person or a double-check person.~~ One team shall be designated as the clerk observer team, which shall perform only the functions established under this subchapter for that team remain unassigned and shall be used as necessary on the day of the recount.

(c) The recount committee shall use Secretary of State shall provide to the recount committee:

(1) fresh seals, manila tags, tally sheets, ~~double-check sheets,~~ summary sheets for each polling place town, master lists for the entire election to be recounted, and other ~~appropriate material provided~~ deemed appropriate by the Secretary of State; and

(2) the official return of votes for each town subject to the recount.

§ 2602c. PREPARATION FOR RECOUNT; GENERAL RULES

(a) Recount area; preserving order.

(1)(A) The county clerk shall designate an area within which the recount shall take place.

(B) Persons who are not committee members or who have not been designated as impartial assistants by the county clerk shall be permitted to view the recount in progress, but shall not be permitted within the recount area.

(2) The county clerk shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the county clerk may cause the person to be removed from the premises.

(b) Preliminary requirements. Before the recount begins, ~~the~~ and any containers are opened:

(1) Explaining procedures. The county clerk shall explain the recount procedures ~~which~~ that are to be followed and shall answer questions relating to such procedures. ~~The county clerk shall use volunteer town clerks to operate and instruct on the use of vote tabulators.~~

(2) Blank ballots; vote tabulator test.

(A) The county clerk shall obtain blank ballots from the town clerks of the towns subject to the recount. These blank ballots shall be used as test ballots to perform the vote tabulator test described in this subdivision (2).

(B)(i) The vote tabulator team shall perform a test of the vote tabulators that will be used by marking and feeding into each tabulator a minimum of 10 test ballots. The test ballots shall be marked with various votes for each candidate for the office subject to the recount.

(ii) If more than one memory card is to be used, such a test shall be performed for each memory card.

(C) If a vote tabulator does not tabulate these votes accurately, it shall not be used.

(D) Once the test is completed, these ballots and the tabulator tape containing the results of the test shall be sealed in an envelope that shall be dated and marked "TEST BALLOTS—DO NOT COUNT." This envelope shall then be kept separate from the rest of the containers.

(b)(c) Tables. Each team shall have a separate table and the county clerk shall have a separate table, and all of these tables shall be spaced apart.

(d) Separating containers, polling places, and towns. Each recount team shall:

(1) recount the contents of one container before opening another container at its table, shall;

(2) recount the contents of all the containers relating to one polling place before moving to those of another polling place; and shall

(3) complete the recount for one town before moving to material relating to another town.

(e)(e) Recording containers. For each polling place town, the number of containers shall be counted and recorded on the master-list summary sheet for that town.



~~(d)~~(f) Inspecting containers and seals.

(1) Containers. Before opening, each container shall be inspected, and if no tag is present, replacement manila tags shall be affixed, specifying date of election and name of town and polling place.

(2) Seals.

(A) Likewise, each ~~Each~~ seal shall be ~~examined~~ inspected to see if it is intact, and the county clerk shall attach to any ~~bag~~ container with a defective seal a tag stating that the seal was defective and containing the information ~~which~~ that was contained on the defective seal.

(B) If a seal number does not match the seal number reported by the town clerk on the official return of votes, the county clerk shall contact the town clerk to request an explanation for that difference. The county clerk shall record any explanation on the summary sheet for that town.

~~(e)~~(g) Uncounted containers. Uncounted containers shall be kept in one part of the room and moved to the other side as they are counted; ~~each team shall have a separate table and the county clerk shall have a separate table, all of which tables shall be spaced apart.~~

~~(f)~~(h) Checklist container. If there is more than one container from a polling place, the county clerk shall open first the container ~~which~~ that is identified as containing the checklist, if applicable.

(i) Opening containers. ~~Upon opening the first container in the presence of~~

~~the clerk observer team, the~~ The county clerk shall empty the contents of each container onto the clerk's his or her table in the presence of the clerk observer team.

(j) Materials not to be distributed. The county clerk shall ensure that teams are not given, and the teams shall not count:

(1) ballots marked defective or contained in a defective ballot envelope;

(2) unused ballots, ~~early or absentee ballots which arrived after the close of polls,~~ that were not distributed to voters; or

(3) ballots spoiled returned by voters ~~and turned in by voters requesting fresh~~ who requested replacement ballots, or ballots contained in a replaced ballot envelope.

(k) Recording defective ballots. In the presence of the clerk observer team, the county clerk shall mark the number of defective ballots from the official return of votes for each town on the summary sheet for that town.

§ 2602d. REVIEW OF OFFICIAL RETURN OF VOTES; EXAMINATION OF ~~CHECKLISTS~~ CHECKLIST

(a)(1) The county clerk shall review the official return of votes for each town, record on the summary sheet for each town the number of ballots counted and the number of voters checked off the checklist on the town's return, and if those two numbers are the same, the checklist for that town shall not be examined.

(2) If those two numbers for a town are not the same, the checklist may be examined in accordance with the following provisions of this section, if requested by one of the candidates subject to the recount.

(b) The checklist from the first ~~bag~~ container shall be assigned to a team. ~~The caller and observer~~ Two persons who represent different candidates, each acting independently, shall examine the checklist and determine how many voters voted at the polling place, repeating the process until they agree on a number or until they agree to disagree on a number.

~~(b)(c)~~ Then the checklist shall be examined by ~~the tally person and the double-check person~~ the remaining members of the team, repeating the process until they agree on a number or they agree to disagree on the number.

~~(e)(d)~~ The results obtained from the two subgroups will be compared and if they do not match, the process shall be repeated until there is agreement among all the members of the team or until team members agree to disagree.

~~(d)(e)~~ The number finally determined by a majority of team members shall be submitted to the county clerk in the presence of the clerk observer team, together with an indication of the nature and extent of ~~the~~ any disagreement.

~~(f) If one or more team members do not agree with the number submitted,~~ The county clerk shall note on the ~~master list the fact~~ summary sheet for the town the number finally determined, together with a note indicating that the number of people appearing as having voted on a specified the checklist

was subject to dispute, if one or more team members did not agree with the number submitted.

§ 2602e. SORTING BALLOTS; BALLOT REVIEW; RECOUNT OF

REMOVED BALLOTS BY HAND

(a) Sorting ballots.

(1) While the checklist is being examined, if applicable under section 2602d of this subchapter, after emptying a container onto his or her table, the county clerk shall separate ballots from the container into a number of batches equal to the number of counting teams, with each batch being of approximately equal size.

(2) Each counting team shall take a batch of ballots from the county clerk's table to the counting team's table.

(3) Two persons who represent different candidates on a counting team shall sort that batch into stacks of 50 ballots, and the remaining members of the team shall recount each stack to ensure that there are 50 ballots in it.

(4)(A) The counting teams shall combine any ballots not placed into a stack of 50, and one of those counting teams shall separate those combined ballots into stacks of 50 and recount them in accordance with subdivision (3) of this subsection.

(B) For any final stack that contains fewer than 50 ballots, the county clerk shall affix to the top of that stack a note indicating how many

ballots are contained in it.

(b) Ballot review and removal.

(1)(A) For each stack, a counting team shall review each ballot within the stack and remove from that stack each ballot upon which, for the office in question, the voter recorded his or her vote or votes in that race in any manner other than completely filling in the oval to the right of a preprinted candidate's name.

(B) Each counting team shall also remove any plain paper or damaged ballots.

(2) A ballot shall be removed only if at least two members of the counting team agree to its removal.

(3) A ballot without markings for the office in question shall not be removed.

(4) A ballot that is not removed upon this first review shall not be reviewed again.

(c) Delivery of remaining ballots.

(1) Each counting team shall then attach to that stack a note indicating the number of ballots remaining in the stack.

(2) The county clerk shall deliver those remaining ballots to the vote tabulator team.

(d) Hand count of removed ballots; questionable votes.

(1) Each counting team shall then separate the removed ballots into stacks of 50 in accordance with the process set forth in subdivision (a)(3) of this section.

(2) The counting team shall then hand count the votes for the office in question on the removed ballots, and mark the results on a tally sheet for each stack of 50 removed ballots and any remaining stack with less than 50.

(3)(A) This hand count shall be in accordance with the rules for counting ballots set forth in section 2587 of this chapter, except that if two persons on the counting team do not agree on how to count a vote, the ballot shall be set aside as containing a questionable vote.

(B)(i) For any questionable vote, a copy of the ballot shall be made, and this copy shall be clearly marked on its face identifying it as a copy. Once the recount of a container is completed, any such copies shall be placed on the top of the other ballots and shall remain together with the other ballots.

(ii) Each original ballot with a questionable vote shall be attached to a note that identifies it by town, county, polling place, and container seal number. The originals of these ballots with questionable votes shall be clipped to the summary sheet for that town, along with a copy of the official return of votes, and submitted to the court for a final decision.

(iii) The county clerk shall record the number of ballots containing questionable votes to be submitted to the court on the summary

sheet for the town.

(C) At the end of the hand count for a container, two persons from each counting team who represent different candidates shall deliver any tally sheets from their table to the county clerk in the presence of the clerk observer team.

(D) The county clerk, in the presence of the clerk observer team, shall record the totals from each tally sheet onto the summary sheet for the town.

(e) This process shall be completed for as many containers as there are for each town.

§ 2602f. RECOUNT OF REMAINING BALLOTS BY VOTE TABULATOR

(a) The vote tabulator team shall operate any vote tabulator used in the recount, with the assistance of the recruited town clerks or designees.

(b) The vote tabulator memory card or cards shall be programmed to read only the votes for the election that is the subject of the recount.

(c)(1) ~~Vote tabulator-readable~~ At the same time as any removed ballots are being hand counted, the vote tabulator team shall take any ballots from each container shall be fed delivered to them, and feed them through a vote tabulator by one team until all vote tabulator-readable ballots from the container have been entered. For ballots unable to be read by a vote tabulator, such as damaged or plain paper ballots, a second team shall collect

~~these ballots from the pile and transfer the voter's choices on those ballots to blank ballots provided by the Secretary of State. After all of the vote tabulator-readable ballots have been fed through the vote tabulator, the first team shall feed through the vote tabulator any transfer ballots created by the second team.~~

~~(2) The recount teams shall switch roles for each subsequent container of ballots of a polling place that are to be fed through the vote tabulator, if there is more than one container per polling place. The vote tabulator team shall attempt to feed ballots into the vote tabulator in the same direction.~~

~~(3)(A) If the tabulator refuses a ballot, the vote tabulator team shall announce that occurrence and whether the ballot was counted, and may override that refusal.~~

~~(B) If the tabulator continues to refuse the ballot, the vote tabulator team shall announce that occurrence and return it to a counting team for hand counting.~~

~~(4) This process shall be used until all ballots from a polling place container have been tabulated by a vote tabulator or otherwise returned to a counting team for hand counting.~~

~~(b)(d)(1) This process shall be repeated until all ballots from a town have been fed through a vote tabulator.~~

~~(2) If there is more than one container for a town, the tabulator tape~~



shall not be printed until ballots from all containers for that town have been tabulated.

(e)(1) After all ballots from a polling place town have been tabulated by a vote tabulator, a recount team the vote tabulator team shall print the tabulator tape containing the unofficial results and document those results on a tally sheet for that town, and deliver that tabulator tape to the county clerk in the presence of the clerk observer team.

(2) The county clerk shall then record the totals from the tabulator tape onto the summary sheet for the town in the same manner that he or she recorded the individual tally sheet totals from the hand-counted ballots. Another recount team shall then open the tabulator's ballot box and remove all ballots. The ballots shall then be divided among the recount teams to be examined to find write-in names and markings of voter intent that were not vote tabulator-readable as outlined in the Secretary of State's vote tabulator guide and most recent elections procedures manual. A caller, tally person, and double-check person shall be used to examine the ballots removed from the ballot box. If the caller and the observer or observers do not agree on how a ballot should be counted, the entire team shall review the ballot and if all members agree, it shall be counted that way.

(c) If one person does not agree, that ballot shall be set aside as a questioned ballot and a copy shall be made, which copy shall be clearly

~~marked on its face identifying it as a copy. Any copies shall be placed on the top of the other ballots and shall remain together with the other ballots. Each original ballot deemed questionable shall be attached to a note which identifies it by town, county, polling place, and bag seal number. The originals of these questionable ballots shall be clipped to the summary sheet for that polling place and returned to the court for a final decision.~~

~~(d) After the court has rendered a final decision on a given questionable ballot, it shall be returned to the county clerk who shall keep it in a sealed container for a period of two years.~~

~~(e) Write-in votes for preprinted candidates shall be counted as votes for that candidate.~~

~~(f) If the tally persons do not agree on the number of votes for a candidate on ballots not able to be read by the vote tabulator, the ballots shall be retallied until they do agree. Then the team shall notify the clerk that it has completed its recount.~~

§ 2602h. COMPLETING THE TALLY

~~(a) The county clerk shall return all ballots to their container, seal the container, record the seal number on the summary sheet, and write “recounted” and specify the date of the recount on the tag.~~

~~(b) After In the presence of the clerk observer team, the county clerk shall add together the hand count and vote tabulator totals for a polling place have~~

~~been listed each town, as recorded on the tally sheets and vote tabulator tape submitted to him or her, the county clerk shall add them up in the presence of the clerk observer team, and record those totals on the summary sheet for that town, and affix his or her seal to that summary sheet.~~

~~(c)(1) The county clerk shall compare the number of ballots recounted for that town with the number of voters who voted at that ballots counted at the polling place, according to the number obtained from the team that examined the certified checklist town as reported on the official return of votes, and with the number of voters who voted at that town according to the checklist examination, as applicable under section 2602d of this subchapter and recorded by the county clerk on the summary sheet in accordance with that section.~~

~~(2) If these numbers differ, the county clerk shall note the amount of the difference on the summary sheets for that polling place town.~~

~~(d) If there is more than one town subject to the recount:~~

~~(1) this process shall be repeated for each town; and~~

~~(2) once all towns have been recounted, the county clerk shall add together the totals from each town and record the total for all towns on a master summary sheet and affix his or her seal to that sheet.~~

~~(b) The county clerk shall return all ballots to the container, seal it, record the seal number on the summary sheet, write "recounted" and specify the date~~

~~of the recount on the tag, and move it to the other side of the room, making sure that there is never more than one bag open at any one time.~~

~~(c) This procedure shall be repeated for each container, until the results from a polling place have been recounted, and then it shall be repeated until the results from all polling places in a town have been recounted, and then until the results from all towns have been recounted.~~

~~(d) The county clerk shall add the totals on each summary sheet, affix the clerk's seal, and~~

~~(e) The county clerk shall send the summary sheets for all polling places towns together with the any master list summary sheet, the ballots marked defective or contained in a defective ballot envelope, and any questionable original ballots containing questionable votes to the court by certified mail, return and obtain a receipt requested, for that delivery or shall certify the results to the judge.~~

§ 2602i. COSTS

~~(a) Recount committee members and assistants designated by the county clerk shall be paid by the State at the same per diem and mileage rates and according to the same procedures by which jurors are paid.~~

~~(b)(1) These and other necessary expenses, as approved by the court, shall be paid by the State through the Court Administrator's Office.~~

~~(2) The Secretary of State shall bear the costs of recounts conducted~~

under this subchapter and shall reimburse the Court Administrator's Office.

§ 2602j. OTHER RULES FOR CONDUCTING THE RECOUNT COURT  
HEARING AND JUDGMENT

(a) The county clerk shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the county clerk may cause the person to be removed from the premises. [Repealed.]

(b) The county clerk shall designate an area within which the recount shall take place. Persons who are not committee members shall be permitted to view a recount in progress, but persons not authorized by the county clerk shall not be permitted within the area designated by the county clerk. [Repealed.]

(c) Candidates and their attorneys shall be given the opportunity to present evidence to the court relating to the conduct of the recount, how to count questionable votes, and the marking of any ballot as defective in accordance with section 2547 or subsection 2587(d) of this title.

(d) On the day of the hearing, the town clerk of any town subject to the recount shall be available in person or by telephone to answer any questions regarding the town's election.

(e) If the court determines that any violations of recount procedures have occurred and that they may have affected the outcome of the recount, a new recount shall be ordered.

(f) After such hearings or arguments as may be indicated under the

circumstances and after it has made a final decision on any questionable votes or defective ballots, the Superior Court, within five working days, shall:

(1) issue a judgment, which shall supersede any certificate of election previously issued;

(2) send a certified copy of the judgment to the Secretary of State; and shall

(3) return to the county clerk any ballots containing questionable ballots which votes and defective ballots that had been forwarded to the court.

§ 2602k. ~~AFTER THE RECOUNT~~ TIES

(a) If the recount results in a tie, the court shall order a recessed runoff election to be held, within three weeks of the recount, on a date set by the court.

(b) The only candidates who shall appear on the ballot at the recessed runoff election shall be those who tied in the previous election.

(c) The recessed runoff election shall be considered a separate election for the purpose of voter registration under chapter 43 of this title.

(d) If the recount confirms a tie as to any public question, ~~no~~ recessed a runoff election shall not be held, and the question shall be certified not to have passed.

(e) Warnings for a recessed runoff election shall be posted as required by subchapter 5 of this chapter; except that the warnings shall be posted not less

*than 10 days before the recessed runoff election.*

*(f) The conduct of a recessed runoff election shall be as provided in this chapter for general elections.*

~~*(b) After the recount, the county clerk shall seal the ballots and other materials back in the containers and store them in the county clerk's vault until returned to the towns. The county clerk shall return all ballots to the respective town clerks after issuance of the court's judgment, together with a copy of the judgment. The respective town clerks or their designees shall transport the ballots to the towns from which they came.*~~

~~*(c) The court shall send a certified copy of the judgment to the Secretary of State.*~~

§ 2602m. STORAGE AND RETURN OF ELECTION MATERIALS

*(a)(1) After the recount, the county clerk shall store the sealed containers and any other recount materials in the county clerk's vault until returned to the towns.*

*(2) The county clerk shall release all containers to the respective town clerks after issuance of the court's judgment, together with a copy of the judgment.*

*(3) The respective town clerks or their designees shall transport the containers to the towns from which they came.*

*(b) Upon receiving from the court any ballots containing questionable*

votes and defective ballots, the county clerk shall keep them in a sealed container for a period of two years.

\* \* \*

\* \* \* *Definitions* \* \* \*

*Sec. 2. 17 V.S.A. § 2103 is amended to read:*

*§ 2103. DEFINITIONS*

*As used in this title, unless the context or a specific definition requires a different reading:*

\* \* \*

*(10) “County officer” means judge of Probate, assistant judge of the Superior Court, State’s Attorney, sheriff, and high bailiff, ~~and justice of the peace.~~*

\* \* \*

*(18)(A) “Local election” means any election ~~which~~ that deals with the selection of persons to fill public office or the settling of public questions solely within a single municipality.*

*(B) “Local election” also means an election to settle a public question in several municipalities, in which the municipalities must unanimously concur if the question is to be approved.*

*(C) The election of a ~~representative~~ Representative to the General Assembly is not a “local election.”*



\* \* \*

\* \* \* *Registration of Voters* \* \* \*

*Sec. 3. 17 V.S.A. § 2141 is amended to read:*

*§ 2141. POSTING OF CHECKLIST*

*(a) At least 30 days before any local, primary, or general election, the town clerk shall cause copies of the most recent checklist of the persons ~~qualified~~ registered to vote to be posted in two or more public places in the municipality in addition to being posted at the town clerk's office; however, in a municipality having a population of less than 5,000 ~~qualified~~ registered voters, only one checklist in addition to the one posted in the town clerk's office need be posted.*

\* \* \*

*Sec. 4. 17 V.S.A. § 2154 is amended to read:*

*§ 2154. STATEWIDE VOTER CHECKLIST*

\* \* \*

*(b) A registered voter's month and day of birth, driver's license or nondriver identification number, e-mail address, and the last four digits of ~~the applicant's~~ his or her Social Security number shall be kept confidential and are exempt from public copying and inspection under the Public Records Act.*

*(c) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A.*

*chapter 65, that the person will not use the checklist for commercial purposes.*

*The affirmation shall be filed with the Secretary of State.*

*\* \* \**

*(e)(d) ~~No~~ An elections official ~~may~~ shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.*

*Sec. 5. 1 V.S.A. § 317(c) is amended to read:*

*(c) The following public records are exempt from public inspection and copying:*

*\* \* \**

*(31) Records of a registered voter's month and day of birth, ~~motor vehicle operator's~~ driver's license or nondriver identification number, e-mail address, and the last four digits of the applicant's his or her Social Security number contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154 or the failure to register to vote under 17 V.S.A. § 2145a.*

*\* \* \**

*\* \* \* Political Parties \* \* \**

*Sec. 6. 17 V.S.A. § 2303 is amended to read:*

*§ 2303. TOWN CHAIR TO GIVE NOTICE*

*(a) The town chair or, if unavailable or if the records of the Secretary of*

*State show there is no chair, any three voters of the town shall arrange to hold a caucus on the day designated by the State chair, in some public place within the town, and shall set the hour of the caucus.*

*(b)(1) At least five days before the day of the caucus, the town chair shall post a notice of the date, purpose, time, and place of the caucus in the town clerk's office and in at least one other public place in town.*

*(2) In towns of 3,000 or more population, he or she shall also publish the notice:*

*(A) in a newspaper having general circulation in the town; or*

*(B) in a nonpartisan electronic news media website that specializes in news of the State or the community.*

*(c) If three voters arrange to call the caucus, the voters shall designate one ~~of their number~~ person among them to perform the duties prescribed ~~above~~ in subsection (b) of this section for the town chair.*

*\* \* \* Primary Elections \* \* \**

*Sec. 7. 17 V.S.A. § 2353 is amended to read:*

*§ 2353. PETITIONS TO PLACE NAMES ON BALLOT*

*(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for any office indicated, if petitions containing the requisite number of signatures made by ~~legal~~ registered voters, in substantially the following form, are filed with the proper*

*official, together with the person's written consent to having his or her name printed on the ballot:*

*I join in a petition to place on the primary ballot of the ..... party the name of ....., whose residence is in the (city), (town) of ..... in the county of ....., for the office of ..... to be voted for on Tuesday, the ..... day of August, 20 .....; and I certify that I am at the present time a registered voter and am qualified to vote for a candidate for this office.*

*(b)(1) A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election.*

*(2) A person shall file a separate petition for each office for which he or she seeks to be a candidate.*

*Sec. 8. 17 V.S.A. § 2354 is amended to read:*

*§ 2354. SIGNING PETITIONS*

*(a) Any number of voters may sign the same petition.*

*(b)(1) A voter's signature shall not be valid unless at the time he or she signs, the voter is registered and qualified to vote for the candidate whose petition he or she signs.*

*(2) Each voter shall indicate his or her town of residence next to his or her signature.*

*(c) The signature of a voter on a candidate's petition does not necessarily*

*indicate that the voter supports the candidate. A voter shall not sign more than one petition for the same office, unless more than one nomination is to be made, in which case he or she may sign as many petitions as there are nominations to be made for the same office.*

*(d) A petition shall contain the name of only one candidate.*

*Sec. 9. 17 V.S.A. § 2356 is amended to read:*

*§ 2356. ~~TIME FOR FILING PETITIONS AND STATEMENTS OF~~  
~~NOMINATION~~*

*(a) Primary petitions for major party candidates ~~and statements of nomination for minor party candidates~~ shall be filed ~~no sooner~~ not earlier than the fourth Monday in April and not later than 5:00 p.m. on the fourth Thursday after the first Monday in May preceding the primary election prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the 62nd day prior to the day of a special primary election.*

*(b) A petition or statement of nomination shall apply only to the election cycle in which the petition or statement of nomination is filed.*

*Sec. 10. 17 V.S.A. § 2361 is amended to read:*

*§ 2361. ~~CONSENT OF CANDIDATE~~*

*(a) A candidate for whom petitions containing sufficient valid signatures have been filed shall file with the official with whom the petitions were filed a consent to the printing of the candidate's name on the ballot. ~~The secretary of~~*

*state Secretary of State shall prepare and furnish forms for this purpose.*

*(b)(1) The consent shall set forth the name of the candidate, as the candidate wishes to have it printed on the ballot, the candidate's town of residence, and correct mailing address.*

*(2) If a candidate wishes to use a nickname, the format on the ballot shall be the candidate's first name, the nickname set off in quotations, and the candidate's last name.*

*(3) Professional titles such as "Dr.," "Esq.," or "CPA" shall not be used as part of a candidate's name on the ballot.*

*(c) The consent shall be filed on or before the day petitions are due. Unless a consent is filed, the candidate's name shall not be printed on the primary ballot.*

*Sec. 11. 17 V.S.A. § 2362 is amended to read:*

*§ 2362. PRIMARY BALLOTS*

*~~The ballots shall be prepared~~ A separate ballot for each major political party shall be printed and furnished to the towns by the Secretary of State and shall contain the names of all candidates for nomination by that party at the primary. Ballots shall be printed on index stock and configured to be readable by vote tabulators. A separate ballot for each major political party Ballots shall be printed in substantially the following form:*

*OFFICIAL VERMONT PRIMARY ELECTION BALLOT*

*VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT*

*BOX OR VOTE TABULATOR*

*ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED BALLOT  
BOX*

---

*[MAJOR POLITICAL PARTY NAME]*

---

*Instructions to voters: Use black pen or pencil to fill in the oval. To vote for a candidate person whose name is printed on the ballot, fill in the oval ~~at~~ to the right of ~~that person's name~~ the name of that person. To vote for a candidate person whose name is not printed on the ballot, write ~~the person's~~ or stick his or her name on in the blank line ~~in the appropriate block and space provided~~ and fill in the oval to the right of that blank line the write-in space. Do not vote for more candidates than the "Vote for Not More Than" number for an office. If you make a mistake, tear, or deface the ballot, return it to an election official and obtain another ballot. Do not erase. ~~When there are two or more persons to be elected to one office, you may vote for any number of candidates up to and including the maximum number.~~*

*\* \* \**

*Sec. 12. 17 V.S.A. § 2363 is amended to read:*

*§ 2363. SEPARATE PARTY BALLOTS VOTER'S CHOICE OF PARTY*

~~(a) The names of all candidates of a party shall be printed upon one ballot. Each section shall bear in print larger than any other print on the ballot the words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID in a prominent place on the ballot. The A voter shall vote for the candidates of one party only. A person voting at the primary shall not be required to indicate his or her party choice to any election official.~~

~~(b) [Repealed.]~~

Sec. 13. 17 V.S.A. § 2369 is amended to read:

§ 2369. DETERMINING WINNER; TIE VOTES

~~(a) A person who receives a plurality of all the votes cast by a party in a primary shall be a candidate of that party for the office designated on the ballot.~~

~~(b)(1) If, after the period for requesting a recount under section 2602 of this title has expired, no candidate has requested a recount and two or more candidates of the same party are tied for the same office, the choice among those tied shall be determined upon five days' notice and not later than 10 days following the primary election by the committee of that party, which shall meet to nominate a candidate from among the tied candidates. The committee that nominates a candidate shall be as follows:~~

~~(1)(A) the State committee of a party for a State or congressional office;~~

~~(2)(B) the senatorial district committee for State Senate;~~



~~(3)(C)~~ *the county committee for county office; or*

~~(4)(D)~~ *the representative district committee for a Representative to the General Assembly.*

~~(e)(2)~~ *The committee chair shall certify the candidate nomination for the general election to the Secretary of State within 48 hours of the nomination.*

*\* \* \* Nominations by Party Committee \* \* \**

*Sec. 14. 17 V.S.A. § 2381 is amended to read:*

*§ 2381. APPLICABILITY OF SUBCHAPTER*

*(a) A candidate may also be nominated and have the candidate's name printed on the general election ballot in accordance with the provisions set forth in this subchapter, in the following instances:*

*(1) In case of a vacancy on the general election ballot occasioned by death, removal, or withdrawal of a candidate, or the failure of a major political party to nominate a candidate by primary;*

*(2) In case a minor political party desires to nominate a candidate for any office for which major political parties nominate candidates by primary or for the offices of President and Vice President of the United States;*

*(3) In case of nomination for the office of justice of the peace, in the event that such nomination has not already been made by caucus as provided in section 2413 of this chapter.*

*\* \* \**

*Sec. 15. 17 V.S.A. § 2382 is amended to read:*

*§ 2382. WHICH COMMITTEE TO NOMINATE*

*Nominations of party candidates pursuant to this subchapter shall be made by the following political committee of the party:*

*(1) By the ~~state~~ State committee in the case of ~~state~~ President and Vice President of the United States or State or congressional officers;*

*\* \* \**

*Sec. 16. 17 V.S.A. § 2386 is amended to read:*

*§ 2386. TIME FOR FILING STATEMENTS*

*(a) In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed not later than 5:00 p.m. on the sixth day following the primary.*

*(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the death or withdrawal to nominate a candidate. In no event, shall a statement be filed later than 60 days prior to the general election.*

*(c)(1) In the case of a nomination by a minor political party, a statement shall be filed ~~as set forth in section 2356 of this chapter~~ not earlier than the fourth Monday in April and not later than 5:00 p.m. on the Thursday preceding the primary election described in section 2351 of this chapter and not later than 5:00 p.m. on the third day prior to the day of a special primary*

election.

(2) A statement shall apply only to the election cycle in which the statement is filed.

(d) In the case of a nomination for the office of justice of the peace, a statement shall be filed as set forth in section 2413 of this chapter:

*\* \* \* Independent Candidate Nominations \* \* \**

Sec. 17. 17 V.S.A. § 2402 is amended to read:

§ 2402. REQUISITES OF STATEMENT

(a) A statement of nomination shall contain:

(1) The name of the office for which the nomination is made.

(2) The candidate's name and residence.

(3) If desired, a name, or other identification (in not more than three words) to be printed on the ballot following the candidate's name.

(4) In the case of nomination for President or Vice President of the United States, ~~the~~:

(A) The name and state of residence of each candidate for such office, together with the name, town of residence, and correct mailing address of each nominee for the office of elector.

(B)(i) The original statement of nomination shall include a certification by the town clerk of each town where the signers appear to be voters that the persons whose names appear as signers of the statement are

*registered voters in the town and of the total number of valid signers from the town.*

*(ii) Only the number of signers certified as registered voters by each town clerk on the original statement of nomination forms shall count toward the required number of signatures.*

*(C) The statement shall also be accompanied by a consent form from each nominee for elector. The consent form shall be similar to the consent form prescribed in section 2361 of this title.*

*\* \* \**

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

*(A) in the case of nomination for President or Vice President of the United States, ~~no sooner~~ not earlier than the fourth Monday in April and not later than 5:00 p.m. on the August 1 preceding the presidential general election;*

*(B) in the case of nomination for justice of the peace, ~~no~~ not earlier than the fourth Monday in April and not later than 5:00 p.m. on the third day following the primary election; or*

*(C) in the case of any other independent candidate, ~~no sooner~~ not earlier than the fourth Monday in April and not later than 5:00 p.m. on the Thursday preceding the primary election prescribed by section 2351 of this*

*chapter, and not later than 5:00 p.m. of the third day prior to the day of a special primary election.*

*(2) ~~No~~ A public official receiving nominations shall not accept a petition unless a completed and signed consent form is filed at the same time.*

*(3) A statement of nomination shall apply only to the election cycle in which the statement of nomination is filed.*

*(e) The Secretary of State shall prescribe and furnish forms for a statement of nomination.*

*(f) In the event that an independent vice presidential candidate withdraws in accordance with section 2412 of this chapter, the presidential candidate may submit to the Secretary of State on or before the ballot printing deadline a new consent form signed by the presidential candidate and his or her new vice presidential candidate.*

*Sec. 18. 17 V.S.A. § 2403 is amended to read:*

*§ 2403. NUMBER OF CANDIDATES; PARTY NAMES*

*(a) A statement of nomination shall contain the name of only one candidate, except in the case of presidential and ~~vice-presidential~~ vice presidential candidates, who may be nominated by means of the same statement of nomination. A person shall not sign more than one statement of nomination for the same office.*

*(b)(1) The political or other name on a statement of nomination shall be*

*substantially different from the name of any organized political party. It shall also be substantially different from the political or other name already appearing on any other statement of nomination for the same office then on file with the same officer for the same election; ~~if~~*

*(2) ~~If the secretary of state~~ Secretary of State determines that it is not substantially different, the candidate named on the statement shall select a different political or other name; ~~otherwise the secretary may reject the statement of nomination~~ Secretary shall print the word "Independent" on the ballot for that candidate.*

*(c)(1) ~~Except in the case of presidential and vice presidential candidates, the word "independent" may not be used as part of a party name; ~~if~~~~*

*(2) ~~If no party is indicated, the word "Independent" shall be printed on the ballot, ~~and no~~~~*

*(3) ~~A candidate appearing on the ballot as a candidate of a political party shall not also appear on the ballot as an "Independent."~~*

*\* \* \* Nominations; Miscellaneous \* \* \**

*Sec. 19. 17 V.S.A. § 2412 is amended to read:*

*§ 2412. WITHDRAWAL OF CANDIDACY*

*(a)(1) ~~A candidate who has been validly nominated by one of the methods prescribed in this chapter shall have a right to withdraw his or her candidacy up until 5:00 p.m. on the ~~third~~ tenth day following the primary by filing a~~*

written notice of withdrawal with the town clerk in the case of a candidate for justice of the peace, and with the ~~secretary of state~~ Secretary of State in the case of all other offices.

(2) The name of a candidate who has withdrawn in accordance with the provisions of this subsection shall not be printed on the ballot.

(b) After ~~that~~ the date described in subdivision (a)(1) of this section, if the candidate has filed a written notice of withdrawal, the town clerk or ~~secretary of state~~ Secretary of State may still remove the candidate's name from the ballot up until the printing deadline.

\* \* \* Election Officials \* \* \*

Sec. 20. 17 V.S.A. § 2455 is amended to read:

§ 2455. ~~DUTIES OF ELECTION OFFICIALS; DUTIES; POLITICAL~~

PARTY REPRESENTATION

(a) The assistant election officers, together with the presiding officer and the board of civil authority, shall constitute the election officials.

(b) Except as may be specifically provided in this title, the presiding officer shall notify each election official of the hours when he or she shall be present to work at the polls and of the duties assigned to each election official.

(c) When the provisions of this title require two or more election officials of different political parties to perform an act, that political party representation requirement shall not be required if attempts to conform to it were not

successful.

*\* \* \* General Election Ballots \* \* \**

*Sec. 21. 17 V.S.A. § 2472 is amended to read:*

*§ 2472. CONTENTS*

*\* \* \**

*(b)(1) Each office to be voted upon shall be separately indicated and preceded by the word “For;” as: “For United States Senator.” Beneath the office to be voted upon shall appear the instructions: “Vote for not more than (the number of candidates to be elected).”*

*(2) The names of the candidates for each office shall be listed in alphabetical order by surname, followed by the candidate’s town of residence, and the party or parties by which the candidate has been nominated, or in the case of independent candidates who have not chosen some other name or identification, by the word “Independent.” The word “party” shall not be printed on the ballot following a candidate’s party name.*

*\* \* \**

*\* \* \* Vote Tabulators \* \* \**

*Sec. 22. 17 V.S.A. § 2491 is amended to read:*

*§ 2491. POLITICAL SUBDIVISION; VOTE TABULATORS*

*(a) Except as provided in subsection (b) of this section, a board of civil authority may, at a meeting held not less than 60 days prior to an election and*



*warned pursuant to 24 V.S.A. § 801, vote to require the political subdivision for which it is elected to use vote tabulators for the registering and counting of votes in subsequent local, primary, or general elections, or any combination of those.*

*(b) A town with 1,000 or more registered voters as of December 31 in an even-numbered years year shall use vote tabulators for the registering and counting of votes in subsequent general elections.*

*(c)(1) The Office of the Secretary of State shall pay the following costs associated with this section by using federal Help America Vote Act funds, as available:*

*(A) full purchase and warranty cost of vote tabulators, ballot boxes, and two memory cards for each tabulator;*

*(B) annual maintenance costs of vote tabulators for each town; and*

*(C) the first \$500.00 of the first pair of a vote tabulator's memory cards' configuration costs for each primary and general election.*

*(2) A town shall pay the remainder of any cost not covered by subdivision (1) of this subsection.*

*Sec. 23. 17 V.S.A. § 2493 is amended to read:*

*§ 2493. RULES FOR USE OF VOTE TABULATORS; AUDITS*

*(a) The Secretary of State shall adopt rules governing the use and the selection of any vote tabulator in the State. These rules shall include*

*requirements that:*

\* \* \*

*(4)(A) All vote tabulators shall be set to reject a ballot that contains an overvote and ~~provide the voter~~ shall be provided the opportunity to obtain another ballot and correct the overvote, have the ballot declared spoiled, and obtain another ballot. If an early voter absentee ballot contains an overvote, the elections official shall override the vote tabulator and count all races except any race that contains an overvote.*

\* \* \*

*(b) Each vote tabulator shall be tested using official ballots that are marked clearly as “test ballots” at least 10 days prior to an election. This test shall be open to the public.*

\* \* \*

*\* \* \* Polling Places \* \* \**

*Sec. 24. 17 V.S.A. § 2508 is amended to read:*

*§ 2508. CAMPAIGNING DURING POLLING HOURS; VOTER ACCESS*

*(a)(1) The presiding officer shall ~~insure~~ ensure during polling hours on the day of the election that:*

*(1)(A) Within the building containing a polling place, no campaign literature, stickers, buttons, name stamps, information on write-in candidates, or other political materials are displayed, placed, handed out, or allowed to*

*remain; and*

*(2)(B) Within the building containing a polling place, no candidate, election official, or other person distributes election materials, solicits voters regarding an item or candidate on the ballot, or otherwise campaigns; and*

*(3)(C) On the walks and driveways leading to a building in which a polling place is located, no candidate or other person ~~may~~ physically ~~interfere~~ interferes with the progress of a voter to and from the polling place.*

*(2) The provisions of subdivision (1) of this subsection shall apply to the town clerk's office during any period of early or absentee voting.*

*(b) During polling hours, the presiding officer shall control the placement of signs on the property of the polling place in a fair manner.*

*(c) The provisions of this section shall be posted in the notice required by section 2521 of this title.*

*\* \* \* Voter Information \* \* \**

*Sec. 25. 17 V.S.A. § 2521 is amended to read:*

*§ 2521. WARNINGS AND NOTICES*

*(a) Not less than 30 days before the election, the town clerk shall cause a warning and notice to be posted informing the voters of the town about the election.*

*(1) The warning shall include the date and time of the election, location of the polling place or places, nature of the election, and offices or questions*

*to be voted upon.*

*(2) The notice shall contain information on voter registration and early or absentee voting, on how to obtain ballots, mark them, get help marking them, and obtain new ballots ~~in place of those accidentally spoiled~~ if an error is made; information about offenses relating to elections; instructions on how to get help if there is a problem on election day; instructions for registrants by mail; instructions for first-time voters; instructions on who may cast a provisional ballot; instructions on how to cast a provisional ballot; information on federal and ~~state~~ State laws prohibiting fraud and misrepresentation; instructions on how to contact the appropriate official if a person believes any of his or her rights to vote have been violated; and other appropriate information.*

*(3) The warning and notice shall be posted in at least two public places within each town and in or near the town clerk's office. If a town has more than one polling place, the warning and notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.*

*(4) The checklist shall also be posted as required in section 2141 of this title.*

*\* \* \**

*\* \* \* Early or Absentee Voters \* \* \**

*Sec. 26. 17 V.S.A. § 2531 is amended to read:*

*§ 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT*

*(a)(1) A voter who expects to be an early or absentee voter, or an authorized person on behalf of such voter, may apply for an early voter absentee ballot until 5:00 p.m. or the closing of the town clerk's office on the day preceding the election.*

*(2) If a town clerk does not have regular office hours on the day before the election and his or her office will not otherwise be open on that day, an application may be filed until the closing of the clerk's office on the last day that office has hours preceding the election.*

*(b) All applications shall be filed with the town clerk of the town in which the early or absentee voter is registered to vote. The town clerk shall file written applications and memoranda of verbal applications in his or her office, and shall retain the applications and memoranda for 90 days following the election, at which time they may be destroyed.*

*(c) Voting by early voter absentee ballot shall be allowed only in elections using the Australian ballot system.*

*Sec. 27. 17 V.S.A. § 2532 is amended to read:*

*§ 2532. APPLICATIONS; FORM*

*(a)(1) An early or absentee voter, or an authorized family member or health care provider acting in the voter's behalf, may apply for an early voter absentee ballot by telephone, in person, or in writing. "Family member" here*

*means a person's spouse, children, brothers, sisters, parents, spouse's parents, grandparents, and spouse's grandparents. Any other authorized person may apply in writing or in person; provided, however, that voter authorization to such a person shall not be given by response to a robotic phone call.*

*(2) The application shall be in substantially the following form:*

*REQUEST FOR EARLY VOTER ABSENTEE BALLOT*

*Name of early or absentee voter: \_\_\_\_\_*

*Voter's Town of Residence: \_\_\_\_\_*

*Current physical address (address where you reside): \_\_\_\_\_*

*Residence (if different): \_\_\_\_\_*

*Telephone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_*

*Date: \_\_\_\_\_*

*I request early voter absentee ballot(s) for the election(s) checked below:*

*(1) Annual Town Meeting;*

*(2) All other local elections;*

*(3) August Primary Election;*

*(4) Presidential Primary (YOU MUST SELECT PARTY);*

*(5) November General Election*

*(6) All elections in this calendar year*

*Please deliver the ballot(s) as indicated below (check one):*

*(1) Mail to voter at: \_\_\_\_\_*

Street or P.O. Box    Town/City    State    Zip Code

(2) Delivery by two Justices of the Peace (this may only be selected if you are ill or if you have a physical disability).

*If applicant is other than early or absentee voter:*

Name of applicant: \_\_\_\_\_

Address of applicant: \_\_\_\_\_

Relationship to early or absentee voter: \_\_\_\_\_

Organization, if applicable: \_\_\_\_\_

Date: \_\_\_\_\_

Signature of applicant:

\_\_\_\_\_

*(3) If the application is made by telephone or in writing, the information supplied must be in substantial conformance with the information requested on this form.*

\* \* \*

*(d) An application for an early voter absentee ballot shall be valid for ~~only one election, unless specific request is made by an early or absentee voter that the application be valid for both a primary election, excluding a presidential primary, and the general election next following~~ the elections or the time frame specified by the applicant, as long as both ballots are to be mailed to the same address.*

*(e) A single application shall only be valid for any elections within the*

same calendar year.

\* \* \*

*Sec. 28. 17 V.S.A. § 2537 is amended to read:*

*§ 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK'S  
OFFICE*

*(a)(1) A voter may, if he or she chooses, apply in person to the town clerk for the early voter absentee ballots and envelopes rather than having them mailed as required by section 2539 of this ~~title~~ subchapter.*

*(2) In this case, the clerk shall furnish the early voter absentee ballots and envelopes when a valid application has been made.*

*(3) The voter may mark his or her ballots, ~~seal~~ place them in the envelope, sign the certificate, and return the ballots in the ~~sealed~~ envelope containing the certificate to the town clerk or an assistant town clerk, without leaving the office of the town clerk, or the voter may take the ballots and return them to the town clerk in the same manner as if the ballots had been received by mail.*

*(b) No person, except justices of the peace as provided in section 2538 of this ~~title~~ subchapter, may take any ballot from the town clerk on behalf of any other person.*

*Sec. 29. 17 V.S.A. § 2540 is amended to read:*

*§ 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS*



*(a) The town clerk shall send with all early voter absentee ballots and envelopes printed instructions, which may be included on the envelope, in substantially the following form:*

*INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS*

- 1. Mark the ballots.*
- 2. ~~Seal~~ Place them in this envelope.*
- 3. Fill out and sign the certificate on the envelope.*
- 4. Mail or deliver the ~~sealed~~ envelope containing the ballots to the town clerk of the town where you are a registered voter in time to arrive ~~no~~ not later than election day.*

*Note: If these ballots have been brought to you personally by two justices of the peace because of your illness or physical disability, just return them to the justices after you have ~~sealed and~~ signed the envelope. YOU HAVE THE RIGHT TO MARK YOUR BALLOTS IN PRIVATE - but if you ask for help in filling out the ballots, they will give it to you.*

*BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS ENVELOPE OR YOUR VOTE WILL NOT COUNT!*

*\* \* \**

*Sec. 30. 17 V.S.A. § 2541 is amended to read:*

*§ 2541. MARKING OF BALLOTS*

*\* \* \**

*(c) If an early or absentee voter ~~spoils~~ makes an error in marking a ballot, the voter may return ~~the spoiled~~ that ballot by mail or in person to the town clerk and receive another ballot, consistent with the provisions of section 2568 of this title.*

*Sec. 31. 17 V.S.A. § 2543 is amended to read:*

*§ 2543. RETURN OF BALLOTS*

*(a) After marking the ballots and signing the certificate on the envelope, the early or absentee voter to whom the same are addressed shall return the ballots to the clerk of the town in which he or she is a voter, in the manner prescribed, except that in the case of a voter to whom ballots are delivered by justices, the ballots shall be returned to the justices calling upon him or her, and they shall deliver them to the town clerk.*

*(b) Once an early voter absentee ballot has been returned to the clerk in the sealed envelope with the signed certificate, it shall be stored in a secure place and shall not be returned to the voter for any reason.*

*(c) If a ballot includes more than one page, the early or absentee voter need only return the page upon which the voter has marked his or her vote.*

~~*(d)(1) All early voter absentee ballots returned to the clerk before the polls close on election day as follows shall be counted:*~~

~~*(A) by any means, to the town clerk's office before the close of the polls on the day of the election, or*~~

~~(B) by hand delivery to the presiding officer at the voter's polling place.~~

~~(2) An early voter absentee ballot returned in a manner other than those set forth in subdivision (1) of this subsection shall not be counted.~~

~~(d)(1) All early voter absentee ballots returned to the clerk before the polls close on election day as follows shall be counted:~~

~~(A) by any means, to the town clerk's office before the close of business on the day preceding the election;~~

~~(B) by mail, to the town clerk's office before the close of the polls on the day of the election; and~~

~~(C) by hand delivery to the presiding officer at the voter's polling place.~~

~~(2) An early voter absentee ballot returned in a manner other than those set forth in subdivision (1) of this subsection shall not be counted.~~

Sec. 32. 17 V.S.A. § 2546 is amended to read:

§ 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN

BALLOT BOX OR VOTE TABULATOR

~~(a)(1)(A) No sooner~~ Not earlier than 30 days before the opening of polls on election day, the town clerk of a municipality with at least 300 registered voters on its checklist may direct two election officials working together to do all of the following:

~~(1) open the outside envelope in order to and sort early voter absentee ballots by ward and district, may data enter the return of the ballots by the voter, may if necessary;~~

~~(2) determine that the certificate has been properly completed and signed;~~

~~(3) check the name of the early voter off the entrance checklist; and may~~

~~(4) place the inside certificate envelopes in various secure containers into a secure container marked "checked in early voter absentee ballots" to be transported to the polling places on election day.~~

~~(B) No sooner than 48 hours before the opening of polls on election day, a town clerk in all other municipalities may direct two election officials working together to open the outside envelope and remove the certificate envelope in order to determine that an early voter absentee ballot certificate has been properly signed by the early voter, and that the name of the early voter appears on the checklist.~~

~~(2) The election officials shall check the name of the early voter off the entrance checklist and place the sealed envelope into a secure container marked "checked in early voter absentee ballots" to be transported to the polling place on election day.~~

~~(3) Upon opening of the polls on election day, ballots from this container shall be opened by election officials, who are not members of the~~

~~same political party, and deposited either into the ballot box or into the vote tabulator.~~

(b) ~~The town clerk or presiding officer shall deliver the unopened early voter absentee ballots to the election officials at the place where the entrance checklist is located. Upon the opening of the polls on election day:~~

~~(1) If the ballots are in a container marked "checked in early voter absentee ballots," two one election officials from different political parties official shall open the certificate envelopes, turn the certificate side face down, and hand the envelope face down to a second election official from a different political party, who shall remove the ballots from the envelopes and deposit the ballots into them in the ballot box or into the vote tabulator.~~

~~(2) If the ballots have not been previously checked off the entrance checklist and if ~~an~~ two election official determines officials, from different political parties, determine that the certificate on the envelope is properly completed and signed by the early voter, the name of the early voter appears on the checklist, and the early voter is not a first-time voter in the municipality who registered by mail and is marked on the checklist as requiring additional documentation, the election official officials shall mark the checklist, open the envelope certificate envelope, turn the certificate side face down, and hand the envelope face down to a third election official who shall remove the ballots from the envelopes and deposit the ballot ballots in the proper ballot box or~~

*vote tabulator.*

*(3)(A) If the early voter is a first-time voter who registered by mail or online, the two election official officials from different political parties shall determine whether the identification required under subdivision 2563(1) of this title has been submitted by the voter. Upon ascertaining that the proper identification has been submitted by the voter, the election official officials shall mark the checklist, open the certificate envelope, turn the certificate side face down, and hand the envelope face down to a third election official who shall remove the ballots from the envelopes and deposit the ballot in the proper ballot box or vote tabulator.*

*(B) If the proper identification has not been submitted, the ballot shall be treated as a provisional ballot, as provided in subchapter 6A of this chapter.*

*(c) All early voter absentee ballots shall be commingled with the ballots of voters who have voted in person.*

*Sec. 33. 17 V.S.A. § 2546a is amended to read:*

*§ 2546a. DAY PRECEDING ELECTION; DEPOSIT OF EARLY VOTER*

*ABSENTEE BALLOTS IN VOTE TABULATOR*

*\* \* \**

*(d) Count and inspection.*

*(1) On the day preceding the election, at least one hour prior to*

*depositing the ballots in the vote tabulator; the town clerk and the election officials shall:*

*(1)(A) first open the secure container marked “checked in early voter absentee ballots,” count the ~~sealed~~ certificate envelopes containing those ballots, and record the number counted; and*

*(2)(B) permit these ~~sealed~~ certificate envelopes to be inspected by members of the public.*

*(2) Any early voter absentee ballot that is returned after the expiration of the period for the count and inspection shall be processed on the day of the election in accordance with section 2546 of this subchapter.*

*(e) Processing.*

*(1) Immediately after the expiration of the period for the count and inspection described in subsection (d) of this section, the town clerk and election officials shall open each ~~sealed~~ certificate envelope containing an early voter absentee ballot that was counted under subdivision (d)(1) of this section and deposit each ballot into a vote tabulator.*

*(2) The town clerk and the election officials shall ensure that all procedures for handling ballots are followed to the fullest extent practicable.*

*(3) At the end of the processing, the town clerk shall verify that the vote tabulator’s memory card is locked in place and shall sign a statement verifying how many early voter absentee ballots were counted by the vote tabulator and*

*that the memory card is so locked. The town clerk shall compare the vote tabulator's number of counted ballots to the original count of those ballots described in ~~subsection (d)~~ subdivision (d)(1) of this section.*

\* \* \*

*Sec. 34. 17 V.S.A. § 2547 is amended to read:*

*§ 2547. DEFECTIVE BALLOTS*

*(a) If upon examination by the election officials it shall appear that any of the following defects is present, either the ballot or the unopened certificate envelope shall be marked "defective" and the ballot shall not be counted:*

*(1) the early or absentee voter is not legally qualified to vote, ~~or~~;*

*(2) the early or absentee voter has voted in person, ~~or that~~;*

*(3) the affidavit on ~~any~~ the certificate envelope is insufficient, not completed;*

*(4) the certificate is not signed, ~~or~~;*

*(5) the voted ballot is not in the ~~voted ballot~~ certificate envelope; ~~or~~;*

*(6) in the case of a primary vote, the early or absentee voter has failed to return the unvoted primary ballots, ~~such envelope shall be marked "defective," and the ballots inside shall not be counted and~~.*

*(b) Each defective ballot or unopened certificate envelope shall be:*

*(A) affixed with a note from the presiding officer indicating the reason it was determined to be defective;*



*(B) placed with other such defective ballots in an envelope marked  
“Defective Ballots – Voter Checked Off Checklist - Do Not Count”; and*

*(C) shall be returned in the ~~unopened~~ that envelope to the town clerk  
in the manner prescribed by section 2590 of this title.*

*(c) The provisions of this section shall be indicated prominently in the early  
or absentee voter material prepared by the Secretary of State.*

*Sec. 35. 17 V.S.A. § 2548 is amended to read:*

*§ 2548. VOTING IN PERSON*

*\* \* \**

*(b)(1) A person who in good faith has received early voter absentee ballots  
for his or her use but has not yet marked them, if he or she is able to vote in  
person, may cast the early voter absentee ballots as provided above, or may  
vote in person after returning the complete set of unmarked ballots, together  
with the envelope intended for their return, to the presiding officer at the time  
the voter appears to vote in person.*

*(2) If a person does not have his or her absentee ballots to return, the  
person shall be checked off the checklist and permitted to vote only after  
completing a sworn affidavit that he or she does not have his or her absentee  
ballots to return.*

*(3) The presiding officer shall return the unused early voter absentee  
ballots and envelope to the town clerk, who shall make a record of their return*

*on the list of early or absentee voters and treat them as ~~spoiled or unused~~  
replaced ballots, pursuant to section 2568 of this title.*

*\* \* \* Provisional Voting \* \* \**

*Sec. 36. 17 V.S.A. § 2555 is amended to read:*

*§ 2555. PROVISIONAL BALLOT ENVELOPES*

*The clerk shall deliver to each polling place on the date of the election a sufficient number of provisional ballot envelopes printed with a voter attestation. The attestation shall include:*

*\* \* \**

*(4) A statement informing the provisional voter: "~~Provisional balloting allows a provisional voter only to vote in federal elections. If you wish to vote in any other State or local election, you should return this form to the elections officials and file an appeal in Superior Court in the county in which you live pursuant to section 2148 of this title.~~ If you choose to vote by provisional ballot, after the close of the polls, the town clerk will determine whether you meet all eligibility requirements. If the clerk denies your application, he or she will inform you that the application has been denied."*

*\* \* \* Process of Voting \* \* \**

*Sec. 37. 17 V.S.A. § 2563 is amended to read:*

*§ 2563. ADMITTING VOTER*

*Before a person may be admitted to vote, he or she shall announce his or*

*her name and, if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place.*

*(1) If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:*

*(A)(i) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail or online, whose driver's license, nondriver identification number, or last four digits of his or her Social Security number provided by the applicant have not been verified by the Secretary of State, and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter:*

*\* \* \**

*Sec. 38. 17 V.S.A. § 2564 is amended to read:*

*§ 2564. CHALLENGES*

*(a)(1)(A) Each organized political party, each candidate on the ballot not*

*representing an organized political party, and each committee supporting or opposing any public question on the ballot shall have the right to have not more than two representatives for each voting district, in a polling place but outside the guardrail, for the purpose of observing the voting process and challenging the right of any person to vote.*

*(B) In no event shall such representatives be permitted to interfere with the orderly conduct of the election, and the presiding officer shall have authority to impose reasonable rules for the preservation of order:*

*(C) However, in all cases the representatives shall have the right to hear or see the name of a person seeking to vote, and they shall have the right to make an immediate challenge to a person's right to vote.*

*(2) The grounds of challenge of a person whose name appears on the checklist shall be only:*

*~~(1)~~(A) that he or she is not, in fact, the person whose name appears on the checklist;<sup>2</sup> or*

*~~(2)~~(B) that he or she has previously voted in the same election.*

*(b) If a challenge is issued, the members of the board of civil authority present in the polling place shall immediately convene, informally hear the facts, and decide whether the challenge should be sustained.*

*(1) If the board overrules the challenge, the person shall immediately be admitted within the guardrail and permitted to vote.*

*(2) If the board sustains the challenge, the person shall not be admitted unless, before the polls close, he or she shall obtain a court order directing that he or she be permitted to vote.*

*Sec. 39. 17 V.S.A. § 2566 is amended to read:*

*§ 2566. MARKING BALLOTS*

*On receiving his or her ballots, the voter shall forthwith, and without leaving the polling place or going outside the guardrail, proceed to one of the booths not occupied by any other person and vote by filling in the appropriate square or oval opposite the name of the candidate of his or her choice for each office, or by ~~filling~~ writing in the name of the candidate of his or her choice in the blank space provided and filling in the square or oval to the right of that blank space.*

*Sec. 40. 17 V.S.A. § 2568 is amended to read:*

*§ 2568. SPOILED REMOVING BALLOTS FROM POLLING PLACE;*

*REPLACEMENT, BLANK, AND UNUSED BALLOTS*

*(a) Removing ballots from polling place. A person shall not take or remove a ballot from the polling place before the close of the polls.*

*(b) Replacement ballots.*

*(1) If a voter ~~spoils~~ desires a replacement ballot, he or she may obtain ~~others~~ another, ~~one at a time~~, not exceeding three in all, upon each time returning to an election official the ~~spoiled~~ one previous ballot he or she was*

provided.

(2) If a ballot is returned to an election official by a voter desiring a replacement ballot, the ballot returned by the voter shall be immediately delivered to the presiding officer or his or her designee, who shall tear it in half and place it in an envelope containing all ballots returned by the voters that is clearly marked "Do Not Count—Replaced Ballots." At the close of the polls, this envelope shall be sealed and delivered to the clerk pursuant to section 2590 of this chapter. If a person fails to use a ballot, he or she shall deliver it to the presiding officer before going outside the guardrail.

(c) Spoiled and unused Unused ballots shall be immediately canceled and, together with those, Ballots originally delivered to the presiding officer which that remain undistributed to the voters, shall be preserved and returned to the town clerks, in the same manner provided for in section 2590 of this title, and the clerk shall preserve them in such condition, unless called for by some authority entitled to demand and receive them. After 90 days from the date the election is held, they may be destroyed or distributed by the town clerk for educational purposes or for any other purpose the town clerk deems appropriate.

*Sec. 41. 17 V.S.A. § 2570 is amended to read:*

*§ 2570. DEPOSITING BALLOTS*

*(a) In primary elections, the voter shall first hand any unvoted primary*

*ballots to the appropriate election official, who shall deposit those ballots in a receptacle marked for unvoted primary ballots. The voter shall then deposit the voted ballot in the ballot box or vote tabulator, unless the voter requires assistance in depositing the ballot.*

*\* \* \**

*\* \* \* Count and Return of Votes \* \* \**

*Sec. 42. 17 V.S.A. § 2586 is amended to read:*

*§ 2586. ~~SECRETARY OF STATE TO PREPARE FORMS TALLY~~*

*SHEETS; SUMMARY SHEETS; RETURNS*

*The ~~secretary of state~~ Secretary of State shall design, prepare, and distribute a sufficient supply of the following forms, which ~~shall~~ may be used in each polling place during the counting process:*

*(1) Tally sheets.*

*(A) These sheets shall provide a place to identify the office or question for which the ballots are being counted, the name of each candidate for that office, and the signature of the pair of election officials actually counting the ballots.*

*(B) Votes for each candidate or question shall be recorded on the tally sheets by means of “tick” marks or some other convenient system, and the total shall then be written on the tally sheet.*

*(C) Blank votes (undervotes) and ~~spoiled ballots~~ overvotes shall be*

indicated.

*(D) ~~All~~ In towns that count ballots by hand, all votes must be accounted for on the tally sheets.*

\* \* \*

*Sec. 43. 17 V.S.A. § 2587 is amended to read:*

*§ 2587. RULES FOR COUNTING BALLOTS VOTES*

*(a)(1) In counting ballots votes, election officials shall attempt to ascertain the intent of the voter, as expressed by markings on the ballot which and in a manner that is consistent with guidance that shall be adopted by rule by the Secretary of State. The Secretary shall adopt, by rule, guidance on determining whether a ballot is spoiled.*

*(2) If it is impossible to determine the intent of the voter for any office or public question, the ballot vote shall be counted as a blank or spoiled overvote, as the case may be, for that office or question; but that determination shall not control any other office or question appearing on the ballot for which the voter's intent can be determined.*

*(3) If they have any doubt about the intent of the voter or any other question about a ballot vote, the election officials counting the ballot vote shall bring it to the presiding officer, who shall present the question of how to treat the ballot vote to the assembled election officials. The decision of how to treat the ballot vote shall be made by majority vote of the election officials who are*



*present.*

*(b) If the voter marks more names than there are persons to be elected to an office, or marks contradictory sides on any public question, ~~his or her ballot shall not be counted for that office or public question~~ overvotes equal to the number of candidates to be elected to the office must be recorded on the tally sheet for that office or question.*

*(c)(1) A write-in vote for a candidate whose name is preprinted on the ballot shall be counted as a vote for that candidate.*

*(2) A person who receives more than one vote for the same office on any ballot shall be entitled to one vote, and one vote only.*

*(d) If the board of civil authority decides by majority vote of those present that any markings on a ballot were made for the purpose of enabling it to be identified and the vote traced, so as to defeat the secrecy of the ballot,:*

*(1) that ballot shall be:*

*(A) rejected;*

*(B) marked defective and affixed with a note from the presiding officer as to why it was marked defective; and*

*(C) placed in the defective ballot envelope in accordance with subsection 2547(b) of this chapter; and*

*(2) the election officials may edit the vote tabulator totals reported on the vote tabulator tape, as necessary. ~~The board shall make a record of the~~*

~~rejection and the reason for it, and shall preserve the record with the ballot in question.~~

*(e)(1) In the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label containing a candidate’s name upon the ballot, without other indications of the voter’s intent, shall constitute a vote for that candidate, even though the voter did not fill in the square or oval after the name.*

*(2) The election officials counting ballots and tallying results shall list every person who receives a “write-in” vote and the number of votes received.*

*(A) On each tally sheet, the counters shall add together the names of candidates that are clearly the same person, even though a nickname or last name is used.*

*(B) Names of fictitious or deceased persons shall not be listed and shall be recorded on the tally sheet as a blank vote.*

\* \* \*

*Sec. 44. 17 V.S.A. § 2588 is amended to read:*

*§ 2588. FILING RETURNS*

*For any primary or general election:*

*(a)(1)(A) In towns that count all ballots by hand, as the count of votes for each office or public question is completed, the presiding officer and at least one other election official shall collect the tally sheets, enter the totals shown*

*on the tally sheets upon the summary sheets, add and enter the sum of the figures, and sign the summary sheets.*

*(B) As each summary sheet is completed, the presiding officer shall publicly announce the results.*

*~~(b)(2)(A)~~ In towns that use vote tabulators, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the vote tabulator, the presiding officer shall insert the ender card and the tabulator will print a tape of unofficial results. The presiding officer shall print at least ~~two~~ one additional ~~copies~~ copy of the tabulator tape.*

*(B) The unofficial results from the tape may be publicly announced, and one copy of the printed tape may be posted in the polling place upon a placard that clearly states: "Unofficial incomplete results."*

*~~(c) For any primary or general election:~~*

*~~(1)(3)~~ The town clerk shall report as soon as practicable on the day of the election the unofficial vote counts of all candidates whose names appeared on the ballot to the Secretary of State. The report shall be made by electronically submitting the vote counts on the Secretary's online elections reporting system or, if unable to submit electronically, by submitting those vote counts to the Secretary of State by telephone, facsimile, or e-mail.*

*~~(2)(4)~~ The Secretary shall ensure that any vote counts submitted by telephone, facsimile, or e-mail are entered into his or her online elections*

*reporting system as soon as practicable after he or she receives them.*

*~~(3)~~(5) The Secretary's online elections reporting system shall cause the unofficial vote counts to be posted immediately on the Secretary's official website as soon as those vote counts are submitted.*

*~~(4)~~(6)(A) The presiding officer and one other election official then shall proceed either to complete the return at once, or to store the summary sheets in a safe and secure place until their retrieval for completion of the return. In any event, ~~no~~ not later than ~~24~~ 48 hours after the polls close, the presiding officer and at least one other election official shall transfer the totals from the summary sheets to the proper spaces on the return, and both shall sign the return.*

*(B) The town clerk shall store the summary sheets safely so that the public cannot reasonably have access to them for a period of 90 days without the town clerk's consent.*

*(C) The original of the return shall be delivered to the town clerk. In a manner prescribed by the Secretary of State and within 48 hours of the close of the polls, the town clerk shall deliver to the Secretary of State, the senatorial district clerk, the county clerk, and the representative district clerk one certified copy each of the return. The town clerk shall also make a copy available to the public upon request.*

*Sec. 45. 17 V.S.A. § 2590 is amended to read:*

§ 2590. *SECURING AND STORING BALLOTS, TALLY SHEETS, AND  
CHECKLISTS*

(a)(1) The following shall not be placed in a sealed container, but shall be delivered to the town clerk along with the sealed containers:

(A) ballots that were never distributed to voters;

(B) any vote tabulator memory card; and

(C) the original entrance checklist.

(2) The presiding officer shall collect and deliver to the town clerk, securely sealed in the containers described in subsection (c) of this section, the following:

(A) packages of voted ballots;

(B) envelopes containing ballots that have been replaced;

(C) envelopes containing defective ballots;

(D) the exit checklist, if present;

(E) tally sheets; and

(F) other election material shall be collected by the presiding officer and delivered to the town clerk, securely sealed in the containers provided for in subsection (b) of this section.

(3) A copy of the entrance checklist shall be placed in the outside pocket of the sealed container or otherwise stored along with but outside the sealed container for delivery to the court in the event of a recount.

*(4) If the material collected from one polling place is sealed in more than one container, the presiding officer shall ensure that there shall be attached to the container in which the exit checklist ~~or checklists are~~ is located, a tag stating that the checklist ~~or checklists are~~ is in that container.*

*(5) The form of the seal shall be designated and furnished by the ~~secretary of state~~ Secretary of State in sufficient quantities to each town clerk. The ~~secretary of state~~ Secretary of State shall require that all seals be safely kept and fully accounted for. ~~The entrance checklist shall also be forwarded to the town clerk.~~*

*(b) The ~~secretary of state~~ Secretary of State shall furnish to all town clerks sufficient quantities of uniform-style containers. ~~The secretary of state~~ Secretary shall establish a method by which the outside of each container shall indicate the contents of the container, the town to which it belongs, and such other pertinent information as may be required.*

*(c)(1) ~~The presiding officer shall return all sealed containers to the town clerk, who shall safely store them~~ the sealed containers and shall not permit them to be removed from his or her custody or tampered with in any way.*

*(2)(A) In the event that a ~~ballot bag~~ or container breaks, splits, or opens through handling, or in the event the original entrance checklist or a vote tabulator memory card was inadvertently sealed in a ~~ballot bag~~ or container, the town clerk shall notify the ~~secretary of state~~ Secretary of State in writing,*

*and the ~~secretary of state~~ Secretary shall order the town clerk in the presence of two other town election officials who are not members of the same political party to open the bag to remove the entrance checklist or vote tabulator memory card or to move the entire contents to new ~~bags or~~ containers, affix new seals, and transmit the new seal numbers.*

*(B) ~~Ballot bags or containers~~ Containers shall not be removed or tampered with in any other way, except under court order, or by order of any authorized committee of the ~~general assembly~~ General Assembly.*

*(C) If necessary for safe storage of the containers, the town clerk may store them in a bank vault or other secure place, within or ~~without~~ outside the town, provided that access to them cannot reasonably be had without the town clerk's consent.*

\* \* \*

*Sec. 46. 17 V.S.A. § 2592 is amended to read:*

*§ 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN*

*GENERAL OR SPECIAL ELECTIONS*

*(a) For all state State and national offices and statewide public questions, the ~~secretary of state~~ Secretary of State and the chair of the state State committee of each major political party (or designee) shall constitute a canvassing committee to receive and tally returns and issue certificates.*

*(b) For all county offices (~~except justice of the peace~~) and countywide*

*public questions, the county clerk and the chair of the county committee of each major political party (or designee) shall constitute a canvassing committee to receive and tally returns and issue certificates.*

*\* \* \**

*(k)(1) In the case of the State offices of ~~governor, lieutenant governor, treasurer, secretary of state, attorney general, and auditor of accounts~~, the canvassing committee shall prepare a certificate of election but shall not sign it.*

*(2) The prepared certificate shall be presented to the official canvassing committee appointed by the ~~general assembly~~ General Assembly, pursuant to Chapter II, § 47 of the Constitution of the State of Vermont ~~constitution~~, for their use if they desire.*

*(l)(1) In the case of a tie vote, the canvassing committee shall forthwith petition the appropriate ~~superior court~~ Superior Court for a recount pursuant to section 2602 of this title.*

*(2) Notwithstanding the provisions of subdivision (1) of this subsection, either of the candidates that is involved in a tie may notify the appropriate Superior Court that he or she is withdrawing, in which case the court shall certify the other candidate as the winner.*

*(m) Each canvassing committee shall file a report of its findings with the ~~secretary of state~~ Secretary of State, who shall preserve the reports as*



*permanent records.*

*\* \* \* Contested Legislative Elections \* \* \**

*Sec. 47. 17 V.S.A. § 2605 is amended to read:*

*§ 2605. HOUSE OF REPRESENTATIVES*

*(a) A candidate for the office of ~~representative to the general assembly~~ Representative to the General Assembly in the general election, or any elected town officer in the representative district, or any 25 voters in the representative district may request the ~~house of representatives~~ House of Representatives to exercise its constitutional authority to judge of the elections and qualifications of its own members, by filing a written request with the ~~secretary of state~~ Secretary of State specifying the candidate or candidates whose election is being challenged. The request must be filed ~~no~~ not later than the latest of the following:*

*(1) 20 days after the date of the election; or*

*(2) 10 days after a final court judgment, if there is a recount under section 2602 of this title; ~~or~~*

*(3) ~~10 days after a final court judgment, if there is a contest under section 2603 of this title.~~*

*(b)(1) The ~~secretary of state~~ Secretary of State shall notify the ~~attorney general~~ Attorney General, who shall investigate the facts, take such depositions as may be necessary, prepare an opinion on the law and facts, and*

~~send his or her report and opinion to the secretary of state~~ Clerk of the House  
~~at least 10 days before the general assembly~~ General Assembly convenes.

(2) If the Attorney General needs additional time to conduct the investigation or prepare the report and opinion required by this subsection, he or she shall alert the Clerk of the House of that need and the date by which he or she plans to submit the report and opinion.

Sec. 48. 17 V.S.A. § 2606 is amended to read:

§ 2606. SENATE

~~(a) A candidate for the office of state senator~~ State Senator ~~in the general election,~~ ~~or any 100 voters in the senatorial district may request the senate~~ Senate ~~to exercise its constitutional authority to judge of the elections and qualifications of its own members by filing a written request with the secretary of state~~ Secretary of State ~~specifying the candidate or candidates whose election is being challenged. The request must be filed no~~ not ~~later than the latest of the following:~~

~~(1) 20 days after the date of the election; or~~

~~(2) 10 days after a final court judgment, if there is a recount under section 2602 of this title; or~~

~~(3) 10 days after a final court judgment, if there is a contest under section 2603 of this title.~~

~~(b)(1) The secretary of state~~ Secretary of State ~~shall notify the attorney~~

*~~general~~ Attorney General, who shall investigate the facts, take such depositions as may be necessary, prepare an opinion on the law and facts, and send his or her report and opinion to the ~~secretary of the senate~~ Secretary of the Senate at least 10 days before the ~~general assembly~~ General Assembly convenes.*

*(2) If the Attorney General needs additional time to conduct the investigation or prepare the report and opinion required by this subsection, he or she shall alert the Secretary of the Senate of that need and the date by which he or she plans to submit the report and opinion.*

*\* \* \* Local Elections; Generally \* \* \**

*Sec. 49. 17 V.S.A. § 2640 is amended to read:*

*§ 2640. ANNUAL MEETINGS*

*(a) A meeting of the legal voters of each town shall be held annually on the first Tuesday of March for the election of officers and the transaction of other business, and it may be adjourned to another date. When a municipality fails to hold an annual meeting, a warning for a subsequent meeting shall be issued immediately, and at that meeting all the officers required by law may be elected and its business transacted.*

*(b) When a town so votes, it may thereafter start its annual meeting on any of the three days immediately preceding the first Tuesday in March at such time as it elects and may transact at that time any business not involving*

*voting by Australian ballot or voting required by law to be by ballot and to be held on the first Tuesday in March. A meeting so started shall be adjourned until the first Tuesday in March.*

*(c)(1) Notwithstanding section 2508 of this title, public discussion of ballot issues and all other issues appearing in the warning, other than election of candidates, shall be permitted ~~on that day~~ at the annual meeting, regardless of the location of the polling place.*

*(2) Notwithstanding the provisions of subdivision (1) of this subsection, a candidate for local office nominated from the floor at the annual meeting may introduce his or her candidacy to the extent permitted by the voters at the meeting.*

*Sec. 50. 17 V.S.A. § 2650 is amended to read:*

*§ 2650. ADDITIONAL SELECTMEN AND LISTERS AND*  
*SELECTBOARD MEMBERS*

*(a) Additional listers. A town may vote at a special or annual town meeting to elect ~~not more than~~ two additional listers for terms of one year each.*

*(b) Additional selectboard members.*

*(1)(A) A town may vote at a special or annual town meeting to elect ~~not more than~~ two additional ~~selectmen~~ selectboard members for terms of either one or two years each.*

(B) When the terms of the additional ~~selectmen~~ selectboard members are to be for two years, the warning for the meeting shall so specify.

(2)(A) If two additional ~~selectmen~~ selectboard member positions are created, they shall be for terms of the same length, but if the terms of the new positions are to be for two years, when the additional ~~selectmen~~ selectboard members are first elected, one shall be elected for one year and the other ~~selectman~~ selectboard member for two years.

(B) Terms of these additional ~~selectmen~~ selectboard members shall end on annual meeting days. If the additional ~~selectmen~~ selectboard members are elected at a special meeting, the term of those elected for one year shall expire on the next annual meeting day and those elected for two years shall expire on the second annual meeting day following their election.

(c) Discontinuing additional listers or selectboard members.

(1) A vote establishing additional ~~selectmen~~ or listers or selectboard members shall remain in effect until the town votes to discontinue the two additional positions at an annual or special meeting duly warned for that purpose.

(2) The term of office of any lister or selectboard member in office on the date a town votes to discontinue that office shall expire on the 31st day after the vote, unless a petition for reconsideration or rescission of that vote is filed with the clerk of the municipality in accordance with section 2661 of this

*chapter, in which case that section shall control.*

*Sec. 51. 17 V.S.A. § 2652 is amended to read:*

*§ 2652. ROAD AND WATER COMMISSIONERS*

*The ~~board of selectmen~~ selectboard may and, when requested by at least five percent of the legal voters of a town at least ~~40~~ 47 days prior to the annual town meeting, ~~they~~ it shall insert in the warning for the annual town meeting an article on the question of whether ~~or not~~ the town shall elect a road commissioner or commissioners, or water commissioners, as provided in section 2651 of this ~~title~~ chapter.*

*Sec. 52. 17 V.S.A. § 2661 is amended to read:*

*§ 2661. RECONSIDERATION OR RESCISSION OF VOTE*

*\* \* \**

*(c) A question voted on shall not be presented for reconsideration or rescission at more than one subsequent meeting within ~~the succeeding 12 months~~ a one-year period, except with the approval of the legislative body.*

*(d) For a vote by Australian ballot,:*

*(1) the form of the ballot shall be as follows: "Article 1: [cite the article to be reconsidered as lastly voted]."*

*(2) absentee ballots for the reconsideration or rescission vote shall be sent to any voter who requested an absentee ballot for the initial vote on the article to be reconsidered or rescinded, whether or not a separate request for*

an absentee ballot for the reconsideration or rescission vote is submitted by the voter.

\* \* \*

(g) This section shall not apply to nonbinding advisory articles, which shall not be subject to reconsideration or rescission.

\* \* \* *Local Elections Using the Australian Ballot System* \* \* \*

Sec. 53. 24 V.S.A. § 1755 is amended to read:

§ 1755. SUBMISSION TO VOTERS

\* \* \*

(b) A municipal corporation may not submit to the voters more than twice in ~~the same calendar year or any 12-month~~ any one-year period the proposition of incurring a bonded debt to pay for the same or a similar public improvement, except that a proposition voted on for the first time at an annual meeting that is reconsidered may be voted on in the subsequent annual meeting.

Sec. 54. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

(a) Application. Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

\* \* \*

*(c) Budgets.*

*(1) A vote whether to use the Australian ballot system to establish the budget shall be in substantially the following form:*

*“Shall (name of municipality) adopt its (name of individual budget article) or (all budget articles) by Australian ballot?”*

\* \* \*

*(g) Hearing.*

*(1) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question or budget, except the budget revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk’s office.*

*(2)(A) The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The legislative body shall be responsible for the administration of this hearing, including the preparation of minutes.*

*(B) The In a town that has voted to start its annual meeting on any of the three days immediately preceding the first Tuesday in March in accordance with subsection 2640(b) of this title, the hearing under this subsection may be*



*held in conjunction with ~~the~~ that meeting held under subsection 2640(c) of this title, in which case the moderator shall preside.*

*Sec. 55. 17 V.S.A. § 2681 is amended to read:*

*§ 2681. NOMINATIONS; PETITIONS; CONSENTS*

*(a)(1)(A) Nominations of the municipal officers shall be by petition. The petition shall be filed with the municipal clerk, together with the endorsement, if any, of any party or parties in accordance with the provisions of this title, ~~no~~ not later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline.*

*(B) A candidate shall be registered to vote in the town he or she is seeking office at or before the time of filing the petition.*

*(2) The candidate shall also file a written consent to the printing of the candidate's name on the ballot on or before the filing deadline for petitions as set forth in subdivision (1) of this subsection.*

*(3) A petition shall contain the name of only one candidate, and the candidate's name shall appear on the petition as it does on the voter checklist. A voter shall not sign more than one petition for the same office, unless more than one nomination is to be made, in which case the voter may sign as many petitions as there are nominations to be made for the same office.*

*\* \* \**

*\* \* \* Local Election Recounts \* \* \**

*Sec. 56. 17 V.S.A. § 2681a is amended to read:*

*§ 2681a. LOCAL ELECTION BALLOTS*

*\* \* \**

*(e) Public questions shall be written in the form of a question, with boxes indicating a choice of “yes” and “no” directly under or to the right side of the public question. No public question shall pass unless a majority of the votes, excluding blank and ~~spoiled votes~~ overvotes, is cast in favor of the proposition.*

*Sec. 57. 17 V.S.A. § 2683 is amended to read:*

*§ 2683. REQUEST FOR A RECOUNT; CANDIDATES*

*(a) A candidate for local office may request a recount by filing a request in writing with the municipal clerk within 10 days after the election.*

*(b) If the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is ~~less than~~ five percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.*

*Sec. 58. 17 V.S.A. § 2685 is amended to read:*

*§ 2685. CONDUCT OF RECOUNT*

*(a)(1) Except as provided in subdivision (2) of this subsection, at the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container, and recount the votes pursuant to the procedure*

*set forth in section 2685a of this subchapter and otherwise in the same manner as the votes were counted on the day of the election.*

*(2) When the ballot for the office is printed on index stock and configured to be readable by vote tabulator, the ~~presiding officer~~ town clerk and board of civil authority shall conduct the recount by vote tabulator, pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable, if:*

*(A) the candidate who petitions for a recount requests that it be conducted by vote tabulator;*

*(B) the board of civil authority, at a meeting held not less than 60 days prior to a local election and warned pursuant to 24 V.S.A. § 801, has voted to require the municipality for which it is elected to use vote tabulators in subsequent recounts; or*

*(C) the municipality has voted to use vote tabulators in subsequent recounts pursuant to a meeting warned for the purpose.*

*(b) The petitioner, the opposing candidates, and their designated representatives may inspect the ballots and observe the recount under the guidance of the board.*

*(c) The board shall certify the result to the town clerk, who shall declare the result.*

*(d) After the recount, the board shall seal the ballots and other materials*

*back in the containers and the town clerk shall safely store them as provided in section 2590 of this title.*

*Sec. 59. 17 V.S.A. § 2685a is amended to read:*

*§ 2685a. PROCEDURE FOR RECOUNT*

*(a) Storage of ballots; assignment of duties.*

*(1) The town clerk shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount.*

*(2)(A) ~~The presiding officer~~ town clerk shall supervise the recount.*

*(B) If the town clerk is unavailable or is a candidate for the office subject to the recount, the board of civil authority shall appoint a voter of the municipality to perform the duties of the town clerk under this section.*

*(3)(A) The board of civil authority shall appoint a sufficient number of impartial assistant election officers to perform appropriate tasks ~~that are not practicable for the board of civil authority to perform~~ to conduct the recount.*

*(B) Each assistant election officer shall be appointed and sworn as set forth in section 2454 of this title.*

*(4) ~~The presiding officer shall assign members of the board of civil authority to teams of at least four persons, consisting of one caller and one observer, representing different candidates, and one tally person and one double-check person, representing different candidates. Any additional team members shall be additional observers and double-check persons who shall be~~*

~~assigned to ensure that each candidate has one person assigned as either a caller or an observer and one person assigned as either a tally person or a double-check person. One team shall be designated as the presiding officer observer team, which shall perform only the functions established under this section for that team. [Repealed.]~~

~~(5) The board of civil authority shall use fresh seals, manila tags, tally sheets, double-check sheets, summary sheets for each polling place, master lists for the entire election to be recounted, and other appropriate material provided by the Secretary of State. [Repealed.]~~

~~(b) Preparation for recount.~~

~~(1) Before the recount begins, the ~~presiding officer~~ town clerk shall explain the recount procedures ~~which~~ that are to be followed and shall answer questions relating to such procedures.~~

~~(2) The ~~recount teams~~ established election officials shall recount the contents of one container before another container is opened and shall recount the contents of all the containers relating to one polling place before moving to those of another polling place.~~

~~(3) For each polling place, the number of containers shall be counted and recorded on the master list.~~

~~(4) Before opening, each container shall be inspected, and if no tag is present, replacement manila tags shall be affixed, specifying the date of~~

~~election and the name of town and polling place. Likewise, each seal shall be examined to see if it is intact, and the presiding officer shall attach to any bag with a defective seal a tag stating that the seal was defective and containing the information which was contained on the defective seal.~~

~~(5) Uncounted containers shall be kept in one part of the room and moved to the other side as they are counted. Each team shall have a separate table and the presiding officer shall have a separate table, all of which tables shall be spaced apart.~~

~~(6) If there is more than one container from a polling place, the presiding officer shall open first the container which is identified as containing the checklist. Upon opening the first container in the presence of the presiding officer observer team, the presiding officer shall empty the contents onto the presiding officer's table. The presiding officer shall ensure that teams are not given unused ballots, early or absentee ballots which arrived after the close of polls, or ballots spoiled by voters and turned in by voters requesting fresh ballots.~~

~~(c) Examination of checklists.~~

~~(1) The checklist from the first bag shall be assigned to a team. The caller and observer, each acting independently, shall examine the checklist and determine how many voters voted at the polling place, repeating the process until they agree on a number or until they agree to disagree on a number.~~

~~(2) Then the checklist shall be examined by the tally person and the double-check person, repeating the process until they agree on a number or they agree to disagree on the number.~~

~~(3) The results obtained from the two subgroups will be compared and if they do not match, the process shall be repeated until there is agreement among all the members of the team or until team members agree to disagree.~~

~~(4) The number finally determined by a majority of team members shall be submitted to the presiding officer in the presence of the presiding officer observer team, together with an indication of the nature and extent of the disagreement. If one or more team members do not agree with the number submitted, the presiding officer shall note on the master list the fact that the number of people appearing as having voted on a specified checklist was subject to dispute. [Repealed.]~~

~~(d) Sorting of ballots.~~

~~(1) Ballots from the first container shall be counted by one team and placed into piles containing 50 ballots each, except where there is a final pile which contains fewer than 50, in which case, the counting team shall affix to the top of the pile a note indicating how many ballots are contained in the pile. All of these ballots then shall be transferred to another team which shall verify that they are in piles of 50 ballots each and that any remaining pile contains the designated number of ballots.~~

~~(2) The teams, except the presiding officer observer team and possibly the team which is processing the checklists, shall proceed to their tables and each team shall get from the presiding officer one pile of ballots, one tally sheet, and one double-check sheet per 50 ballots, unless there are more persons per team who serve as double-check persons, in which case, each such person shall be assigned a double-check sheet. If a team spoils a tally sheet or needs to retally, it must turn in the tally sheet in order to get another one.~~  
[Repealed.]

(e) First tally Ballot review.

~~(1) The caller shall call the name of the person voted for and any blank or spoiled ballots. The tally person and the double-check person or persons each shall make a suitable mark for that candidate and any blank or spoiled ballots.~~

~~(2) If the caller and the observer or observers election officials examining a particular ballot do not agree on how ~~a~~ the vote on that ballot should be counted, ~~the entire team~~ all of the board of civil authority members present shall all review the ballot vote, and if all members agree, it the vote shall be counted ~~that way~~ as agreed upon by a majority of those board of civil authority members.~~

~~(3) If one member of the entire team does not agree, that ballot shall be set aside as a questioned ballot and a copy shall be made, which copy shall be~~



~~clearly marked on its face identifying it as a copy. Such copies shall be placed on the top of the other ballots and shall remain together with the other ballots. Each original ballot deemed questionable shall be attached to a note which identifies it by town, polling place, and bag seal number. The originals of these questionable ballots shall be clipped to the summary sheet for that polling place and returned to the board of civil authority for a final decision by majority vote.~~

~~(4) After the board of civil authority has rendered a final decision on a given questionable ballot, it shall be returned to the town clerk who shall keep it in a sealed container for a period of two years.~~

~~(5)(2) Write-in votes A write-in vote for a preprinted candidates candidate shall be counted as votes a vote for that candidate.~~

~~(6) If the tally persons do not agree on the number of votes for a candidate, the ballots shall be retallied until they do agree. Then the team shall notify the presiding officer that it has completed the first recount.~~

~~(f) Second tally.~~

~~(1) The presiding officer shall attach to the tally and double-check sheets a note which indicates which team members performed which functions in the first recount, and shall provide the team with a new tally sheet and an appropriate number of double-check sheets to match the number of people serving as double-check persons.~~

~~(2) The members of the team then shall switch roles, with callers and observers becoming tally persons and double-check persons, as designated by the presiding officer, and the team shall complete a second recount, following the procedures established for the first recount.~~

~~(3) When the results of the second recount match those of the first, a note shall be attached to the tally and double-check sheets, indicating which persons provided what functions during the second recount.~~

~~(4) Then the team shall take its tally sheets, double-check sheets, and ballots, plus a separate pile of questionable ballots, if any, to the presiding officer.~~

~~(5) Team members, in the presence of the presiding officer observer team, shall read the totals to the presiding officer who, in the view of these observers, shall record the totals on the summary sheet for that polling place.~~

~~(6) After a team has presented its pile of ballots to the presiding officer, it shall be assigned another pile of ballots, until all of the piles from a particular polling place have been recounted two times. [Repealed.]~~

(g) *Completing the tally.*

~~(1) After the totals for a polling place have been listed, the presiding officer shall add them up in the presence of the presiding officer observer team, and shall compare the number with the number of voters who voted at that polling place, according to the number obtained from the team that~~

~~examined the certified checklist. If these numbers differ, the presiding officer shall note the amount of the difference on the summary sheets for that polling place.~~

~~(2) The presiding officer shall return all ballots to the container, seal it, record the seal number on the summary sheet, write "recounted" and specify the date of the recount on the tag, and move it to the other side of the room, making sure that there is never more than one bag open at any one time.~~

~~(3) This procedure shall be repeated for each container, until the results from a polling place have been recounted, and then it shall be repeated until the results from all polling places in a town have been recounted.~~

~~(4) The presiding officer shall add the totals on each summary sheet, affix the presiding officer's seal, and send the summary sheets for all polling places together with the master list and any questionable ballots to the board of civil authority. [Repealed.]~~

(h) Other rules for conducting the recount.

(1) ~~The presiding officer~~ town clerk shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, ~~the presiding officer~~ town clerk may cause the person to be removed from the premises.

(2) ~~The presiding officer~~ town clerk shall designate an area within which the recount shall take place. Persons who are not board of civil

~~authority members or appointed impartial election officers shall be permitted to view a recount in progress, but persons not authorized by the presiding officer town clerk shall not be permitted within the area designated by the presiding officer town clerk.~~

~~(3) Candidates and their attorneys shall be given the opportunity to present evidence to the board of civil authority relating to the conduct of the recount. If the board determines that any violations of recount procedures have occurred and that they may have affected the outcome of the recount, a new recount shall be ordered. After such hearings or arguments as may be indicated under the circumstances, the board, within five working days, shall issue a judgment, which shall supersede any certificate of election previously issued and shall return to the town clerk questionable ballots which had been forwarded to the board.~~

~~(i) After the recount.~~

~~(1)(A) If Except as provided in subdivision (B) of this subdivision (1), if the recount results in a tie, the board of civil authority shall order a recessed election to be held, within three weeks of the recount, on a date set by the board. The only candidates who shall appear on the ballot at the recessed election shall be those who tied in the previous election. The recessed election shall be considered a separate election for the purpose of voter registration under chapter 43 of this title a runoff election shall be conducted in~~

accordance with section 2682b of this chapter.

~~(B) If the recount confirms a tie, as to any public question, no recessed a new election shall not be held, and the question shall be certified not to have passed.~~

~~(C) Warnings for a recessed election shall be posted as required by this chapter, except that the warnings shall be posted not less than 10 days before the recessed election. The conduct of a recessed election shall be as provided in this chapter for local elections.~~

~~(2) The town clerk shall send a certified copy of the judgment to the Secretary of State.~~

*\* \* \* Local Office Vacancies \* \* \**

*Sec. 60. 24 V.S.A. § 963 is amended to read:*

*§ 963. DUTIES OF ~~SELECTPERSONS~~ SELECTBOARD; SPECIAL MEETING*

*(a) When a vacancy occurs in any town office, the ~~selectpersons~~ selectboard forthwith by appointment in writing shall fill such vacancy until an election is had; except that in the event of vacancies in a majority of the selectboard at the same time, such vacancies shall be filled by a special town meeting called for that purpose.*

*(b) ~~Such~~ The selectboard shall file an appointment shall be filed by them made under this section in the office of the town clerk and the town clerk shall*

*duly recorded by the town clerk record it in the book of town records.*

*(c) If there are no ~~selectpersons~~ selectboard members in office, the Secretary of State shall call a special election to fill any vacancies and for that interim shall appoint and authorize the town clerk or another qualified person to draw orders for payment of continuing obligations and necessary expenses until the vacancies are filled.*

*\* \* \* Town or Village Reports \* \* \**

*Sec. 61. 24 V.S.A. § 1173 is amended to read:*

*§ 1173. TOWN OR VILLAGE REPORTS*

*The clerk of a municipality shall supply annually each library in such municipality with two copies of the municipal report, upon its publication. The clerk shall also send to the ~~State Library~~ Vermont State Archives and Records Administration one copy thereof, ~~and one copy each to the Secretary of State, Commissioner of Taxes, State Board of Health, Commissioner for Children and Families, Commissioner of Vermont Health Access, Auditor of Accounts, and Board of Education~~ in a manner prescribed by the State Archivist. Officers making these reports shall supply the clerk of the municipality with the copies necessary for him or her to comply with the provisions of this section and section 1174 of this title.*

*\* \* \* Presidential Elections \* \* \**

*Sec. 62. 17 V.S.A. § 2702 is amended to read:*

§ 2702. *NOMINATING PETITION*

*(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least 1,000 voters in accordance with sections 2353, 2354, and 2358 of this title are filed with the Secretary of State, together with the written consent of the person to the printing of the person's name on the ballot.*

*(b) Petitions shall be filed not later than 5:00 p.m. on the ~~first Monday~~ after the ~~first Tuesday~~ 15th day of January December preceding the primary election.*

*(c) The petition shall be in a form prescribed by the Secretary of State.*

*(d) A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election.*

*(e) Each petition shall be accompanied by a filing fee of \$2,000.00 to be paid to the Secretary of State. However, if the petition of a candidate is accompanied by the affidavit of the candidate, which shall be available for public inspection, that the candidate and the candidate's campaign committee are without sufficient funds to pay the filing fee, the Secretary of State shall waive all but \$300.00 of the payment of the filing fee by that candidate.*

*Sec. 63. 17 V.S.A. § 2716 is amended to read:*

§ 2716. *NOTIFICATION TO SECRETARY OF STATE*

*Not later than 5:00 p.m. on the ~~55th~~ 65th day before the day of the general*

*election, the chair of the State committee of each major political party shall certify in writing to the Secretary of State the names of the presidential and vice presidential nominees selected at the party's national convention.*

*\* \* \* Campaign Finance \* \* \**

*Sec. 64. 17 V.S.A. § 2904 is amended to read:*

*§ 2904. CIVIL INVESTIGATION*

*(a)(1) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule ~~or regulation~~ made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.*

*\* \* \**

*(5) Nothing in this subsection is intended to prevent the Attorney General or a State's Attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule ~~or regulation~~ made pursuant to this chapter.*

*\* \* \**

*Sec. 65. 17 V.S.A. § 2944 is amended to read:*



§ 2944. *ACCOUNTABILITY FOR RELATED EXPENDITURES*

*(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.*

*(b) As used in this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates, if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.*

*(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.*

*(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.*

~~(d)(1)~~ *As used in this section, an expenditure by a person shall not be considered a “related expenditure made on the candidate’s behalf” if ~~all~~:*

*(1)(A) All of the following apply:*

*~~(A)(i)~~ the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;*

*~~(B)(ii)~~ the expenditure was made for:*

*~~(i)(I)~~ invitations and any postage for those invitations to invite voters to the event; or*

*~~(ii)(II)~~ any food or beverages consumed at the event and any related supplies thereof; and*

*~~(C)(iii)~~ the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.*

*(2)(B) For the purposes of this subsection subdivision (1):*

*~~(A)(i)~~ if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a “related expenditure made on the candidate’s behalf”; and*

*~~(B)(ii)~~ any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.*

(2) All of the following apply:

(A) the expenditure is for an electioneering communication that promotes or supports all of the candidates who are named or pictured in it and no other candidates, and those candidates named or pictured:

(i) have filed or been nominated as described in subdivision 2901(1)(B) of this chapter for a legislative, county, or local office;

(ii) are on the same ballot for the same election; and

(iii) each make an expenditure for the electioneering communication of an equal amount in order to share the cost of the electioneering communication equally; and

(B) no other person has made an expenditure for the electioneering communication.

*(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.*

*(2) Within 24 hours of the filing of a petition, the ~~Court~~ court shall schedule the petition for hearing. Except as to cases the ~~Court~~ court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the*

*earliest practicable date and expedited in every way.*

*(3) The findings and determination of the ~~Court~~ court shall be prima facie evidence in any proceedings brought for violation of this chapter.*

*(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.*

*Sec. 66. 17 V.S.A. § 2973 is amended to read:*

*§ 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO,  
TELEVISION, OR INTERNET COMMUNICATIONS*

*(a) In addition to the identification requirements set forth in section 2972 of this subchapter; a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication ~~which~~ that is transmitted through radio, television, or online video, in a clearly spoken manner; an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.*

*(b) If the person who paid for the communication is not a natural person, the audio statement required by this section shall include the name of that non-natural person and the name and title of the treasurer, in the case of a candidate's committee, political committee or political party, or the principal officer, in the case of the any other non-natural person.*

*\* \* \* Effective Date \* \* \**

*Sec. 67. EFFECTIVE DATE*

*This act shall take effect on July 1, 2017.*