

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 429 entitled “An act relating to miscellaneous changes to election
4 laws” respectfully reports that it has considered the same and recommends that
5 the Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 H.429

8 An act relating to miscellaneous changes to election laws

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

10 * * * Sore Loser Law * * *

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

12 (c) In no event shall a candidate who loses a major party primary be
13 nominated to appear on the general election ballot pursuant to this subchapter
14 by a committee of any party other than the party for which the candidate
15 appeared on the primary ballot.

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

17 § 2401. APPLICABILITY OF SUBCHAPTER

18 (a) A person may be nominated and have ~~his or her~~ the person’s name
19 printed on the general election ballot for any office by filing a consent similar
20 in form to the consent prescribed by section 2361 of this title and a statement
21 of nomination with the Secretary of State. In the case of a nomination for

1 justice of the peace, the consent form and statement of nomination shall be
2 filed with the town clerk.

3 (b) A candidate who loses a major party primary for any office shall not
4 appear on the general election ballot as an independent candidate for the same
5 office for which the candidate lost in the primary election.

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

7 Sec. 3. 17 V.S.A. § 2941(a) is amended to read:

8 § 2941. LIMITATIONS OF CONTRIBUTIONS

9 (a) In any election cycle:

10 * * *

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

13 ~~(A)(i)~~ \$10,000.00 from a single source;

14 ~~(B)(ii)~~ \$10,000.00 from a political committee; or

15 ~~(C)(iii)~~ \$60,000.00 from a political party.

16 (B) Notwithstanding subdivision (A) of this subdivision (5), a
17 political party shall accept not more than \$30,000.00 from a candidate for State
18 office.

19 * * *

20 * * * Biennial Committee Reorganization Reporting * * *

21 Sec. 4. 17 V.S.A. § 2313 is amended to read:

1 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

2 * * *

3 (f) At the same time of filing the certificate of organization, the chair and
4 secretary shall file with the Secretary of State a single machine-readable
5 electronic document containing a list of the names and addresses of the town
6 and county committee members from those towns and counties that have
7 organized pursuant to this chapter.

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

10 Sec. 5. [Deleted.]

11 * * * Candidate Demographic Information * * *

12 Sec. 6. 17 V.S.A. § 2359 is amended to read:

13 § 2359. NOTIFICATION TO SECRETARY OF STATE

14 (a) Within three days after the last day for filing petitions, all town and
15 county clerks who have received petitions shall ~~notify~~ file with the Secretary of
16 State ~~of the names of all candidates;~~ a list containing the name, gender, age,
17 race or ethnicity, mailing address, and e-mail address of all candidates, to the
18 extent this information is provided by candidates; the offices for which ~~they~~
19 the candidates have filed~~;~~_; and whether each candidate has submitted a
20 sufficient number of valid signatures to comply with the requirements of
21 section 2355 of this title. Town and county clerks shall also notify the

1 Secretary of State of any petitions found not to conform to the requirements of
2 this chapter and returned to a candidate under section 2358 of this title; and
3 shall notify the Secretary of State of the status of such ~~petition~~ petitions not
4 later than two days after the last day for filing supplementary petitions.

5 (b) Information of a candidate's gender, age, or race or ethnicity collected
6 pursuant to subsection (a) of this section is exempt from public inspection and
7 copying under the Public Records Act and shall be kept confidential, except
8 that the Secretary of State may publish information pertaining to candidates'
9 gender, age, or race or ethnicity in aggregate form.

10 Sec. 7. 17 V.S.A. § 2361(b) is amended to read:

11 (b)(1) The consent shall set forth the ~~name of the candidate,~~ candidate's
12 name as the candidate wishes to have it printed on the ballot, the candidate's
13 gender, age, or race or ethnicity, town of residence, ~~and~~ correct mailing
14 address, and e-mail address. A candidate who does not provide information
15 pertaining to gender, age, or race or ethnicity may still appear on the ballot if
16 all other requirements are met.

17 * * *

18 Sec. 8. 17 V.S.A. § 2665 is amended to read:

19 § 2665. NOTIFICATION TO SECRETARY OF STATE

20 The town clerk shall file with the Secretary of State a list ~~of the names and~~
21 ~~addresses of the selectboard members elected and~~ containing the name, gender,

1 age, race or ethnicity, street address, and e-mail address, to the extent the
2 information is provided by the candidate, and the end date of the term of office
3 of each selectboard member, city councilor, village trustee, and mayor elected.
4 The town clerk shall not be required to ask the candidate for information
5 pertaining to gender, age, or race or ethnicity if this information is not provided
6 to the town clerk. The town clerk shall notify the Secretary of State of any
7 changes in the list as filed. Information of a candidate's gender, age, or race or
8 ethnicity collected pursuant to this subsection is exempt from public inspection
9 and copying under the Public Records Act and shall be kept confidential,
10 except that the Secretary of State may publish information pertaining to
11 candidates' gender, age, or race or ethnicity in aggregate form.

12 * * * Write-in Candidate Registration and Minimum Thresholds in Primary

13 Elections * * *

14 Sec. 9. 17 V.S.A. § 2370 is amended to read:

15 § 2370. WRITE-IN CANDIDATES

16 (a)(1) In order to have votes listed for a write-in candidate under
17 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second
18 Friday preceding the primary election, a write-in candidate for the General
19 Assembly, any State office, or any federal office shall file with the Secretary of
20 State a form consenting to candidacy for office as set forth in subsection
21 2587(e) of this title. The Secretary of State shall notify the town clerks of any

1 filings made in accordance with this subsection not later than the Friday before
2 the election.

3 (b)(1) A write-in candidate shall not qualify as a primary winner unless he
4 or she the candidate receives at least one-half the higher of:

5 (1) 10 percent of the votes cast for candidates plus one additional vote;
6 or

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

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

15 Sec. 9a. 17 V.S.A. § 2472(b)(6) is added to read:

16 (6) In order to have votes listed for a write-in candidate under
17 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second
18 Friday preceding the general election, a write-in candidate for the General
19 Assembly, any State office, or any federal office shall file with the Secretary of
20 State a form consenting to candidacy for office as set forth in subsection
21 2587(e) of this title. The Secretary of State shall notify the town clerks of any

1 filings made in accordance with this subsection not later than the Friday before
2 the election.

3 Sec. 9b. 17 V.S.A. § 2587(e) is amended to read:

4 * * *

5 (2)(A) A vote for a write-in candidate shall be counted as a write-in vote
6 that is without consent of candidate unless the write-in candidate filed a
7 consent of candidate form with the Secretary of State in accordance with
8 section 2370 of this title in the primary election, subsection 2472(b) of this title
9 for the general election, and subsection § 2702(f) of this title for the
10 presidential primary. The consent form shall set forth the name of the
11 candidate, the name of the office for which the candidate consents to be a
12 candidate, the candidate's town of residence, and the candidate's correct
13 mailing address. The clerk shall record the name and vote totals of a write-in
14 candidate who has filed in accordance with section 2370 of this title in the
15 primary election, subsection 2472(b) of this title for the general election, and
16 subsection § 2702(f) of this title for the presidential primary.

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

19 (3) The election officials counting ballots and tallying results shall only
20 list every person who receives a "write-in" vote and the number of votes
21 received the names and votes received of those write-in candidates who

1 consented to candidacy for the office pursuant to section 2370 of this title in
2 the primary election, subsection 2472(b) of this title for the general election,
3 and subsection § 2702(f) of this title for the presidential primary. Any write-in
4 votes for candidates who have not consented to the write-in candidacy shall be
5 listed as “write-ins.”

6 * * *

7 Sec. 9c. 17 V.S.A. § 2702(f) is added to read:

8 (f) In order to have votes counted for a write-in candidate under section
9 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
10 presidential primary election, a write-in candidate for nomination by any major
11 political party shall file with the Secretary of State a form consenting to
12 candidacy for office as set forth in subsection 2361(b) of this title. The
13 Secretary of State shall notify the town clerks of any filings made in
14 accordance with this subsection not later than the Friday before the election.

15 * * * Electronic Ballot Returns * * *

16 Sec. 9d. 17 V.S.A. § 2539 is amended to read:

17 § 2539. DELIVERY OF EARLY VOTER ABSENTEE BALLOTS

18 * * *

19 (c) Military or overseas voters.

20 * * *

1 (3) “Overseas voters,” as used in this section, means a person who is
2 qualified to vote in Vermont and resides outside the United States, meaning the
3 several states, the District of Columbia, the Commonwealth of Puerto Rico,
4 Guam, the Virgin Islands, and American Samoa.

5 Sec. 10. 17 V.S.A. § 2542 is amended to read:

6 § 2542. SIGNING CERTIFICATE

7 (a) There shall be printed on the face of the envelope provided for use in
8 returning early voter absentee ballots, or provided in an electronic format if a
9 ballot is electronically delivered pursuant to subsection 2539(b) or (c) of this
10 title, a certificate in substantially the following form:

11 “Early or Absentee Voter Ballots of _____”

12 (print your name)

13 I, _____, solemnly swear or affirm that I am a resident of the town
14 (city) of _____, State of Vermont, and that I am a legal voter in this town
15 (city).

16 _____

17 (your signature)

18 (b) The early or absentee voter, except a voter returning a ballot
19 electronically pursuant to subsection 2543(d) of this title, must sign the
20 certificate on the outside of the envelope in order for the ballot to be valid.
21 When an early or absentee voter is physically unable to sign ~~his or her~~ the

1 voter's name, he or she the voter may mark an "X" or take an oath swearing or
2 affirming to the statement on the certificate. The officers who deliver the
3 ballots shall witness the mark or oath and sign their names with a statement
4 attesting to this fact on the envelope.

5 Sec. 11. 17 V.S.A. § 2543 is amended to read:

6 § 2543. RETURN OF BALLOTS

7 * * *

8 (d)(1) All early voter absentee ballots returned as follows shall be counted:

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

11 (B) to any secure ballot drop box provided by the town or city in
12 which the voter is registered pursuant to section 2543a of this subchapter
13 before the close of business on the day before the election;

14 (C) by mail to the town clerk's office before the close of the polls on
15 the day of the election; and

16 (D) by hand delivery to the presiding officer at the voter's polling
17 place before the closing of the polls at 7:00 p.m.

18 (2)(A) All ballots electronically delivered pursuant to subsection
19 2539(b) or (c) of this title to voters with disabilities, as defined in 9 V.S.A.
20 4501(2), and overseas voters, as defined in subdivision 2539(c)(3) of this title,
21 and returned as follows shall be counted:

1 (i) by means of a secure online portal developed and maintained
2 by the Secretary of State, directly to the clerk before the close of business on
3 the last day the clerk’s office is open prior to the election; and

4 (ii) with electronic signature on the certificate required pursuant to
5 section 2542 of this title prior to submitting the ballot to the clerk.

6 (B) A ballot electronically delivered pursuant to subsection 2539(b)
7 or (c) of this title to voters with disabilities, as defined in 9 V.S.A. 4501(2),
8 and overseas voters, as defined in subdivision 2539(c)(3) of this title, and then
9 returned pursuant to subdivision (A) of this subdivision (d)(2) shall be printed
10 by the clerk and processed in the same manner as all other early or absentee
11 ballots and in accordance with the procedures prescribed by this subchapter.

12 (C) The voter shall be notified when a ballot electronically delivered
13 pursuant to subsection 2539(b) or (c) of this title to voters with disabilities, as
14 defined in 9 V.S.A. 4501(2), and overseas voters, as defined in subdivision
15 2539(c)(3) of this title, and then returned pursuant to subdivision (A) of this
16 subdivision (d)(2) is received and printed by the clerk pursuant to subdivision
17 (B) of this subdivision (d)(2).

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

20 * * *

1 * * * Prospective Repeal of Electronic Ballot Returns * * *

2 Sec. 11a. 17 V.S.A. § 2542 is amended to read:

3 § 2542. SIGNING CERTIFICATE

4 (a) There shall be printed on the face of the envelope provided for use in
5 returning early voter absentee ballots, ~~or provided in an electronic format if a~~
6 ~~ballot is electronically delivered pursuant to subsection 2539(b) or (c) of this~~
7 ~~title,~~ a certificate in substantially the following form:

8 “Early or Absentee Voter Ballots of _____”

9 (print your name)

10 I, _____, solemnly swear or affirm that I am a resident of the town
11 (city) of _____, State of Vermont, and that I am a legal voter in this town
12 (city).

13 _____

14 (your signature)

15 (b) The early or absentee voter, ~~except a voter returning a ballot~~
16 ~~electronically pursuant to subsection 2543(d) of this title,~~ must sign the
17 certificate on the outside of the envelope in order for the ballot to be valid.
18 When an early or absentee voter is physically unable to sign ~~his or her~~ the
19 voter’s name, ~~he or she~~ the voter may mark an “X” or take an oath swearing or
20 affirming to the statement on the certificate. The officers who deliver the

1 ballots shall witness the mark or oath and sign their names with a statement
2 attesting to this fact on the envelope.

3 Sec. 11b. 17 V.S.A. § 2543 is amended to read:

4 § 2543. RETURN OF BALLOTS

5 * * *

6 (d)(1) All early voter absentee ballots returned as follows shall be counted:

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

9 (B) to any secure ballot drop box provided by the town or city in
10 which the voter is registered pursuant to section 2543a of this subchapter
11 before the close of business on the day before the election;

12 (C) by mail to the town clerk's office before the close of the polls on
13 the day of the election; and

14 (D) by hand delivery to the presiding officer at the voter's polling
15 place before the closing of the polls at 7:00 p.m.

16 ~~(2)(A) All ballots electronically delivered pursuant to subsection~~
17 ~~2539(b) or (c) of this title to voters with disabilities, as defined in 9 V.S.A.~~
18 ~~4501(2), and overseas voters, as defined in subdivision 2539(c)(3) of this title,~~
19 ~~and returned as follows shall be counted:~~

1 ~~(i) by means of a secure online portal developed and maintained~~
2 ~~by the Secretary of State, directly to the clerk before the close of business on~~
3 ~~the last day the clerk's office is open prior to the election; and~~

4 ~~(ii) with electronic signature on the certificate required pursuant to~~
5 ~~section 2542 of this title prior to submitting the ballot to the clerk.~~

6 ~~(B) A ballot electronically delivered pursuant to subsection 2539(b)~~
7 ~~or (c) of this title to voters with disabilities, as defined in 9 V.S.A. 4501(2),~~
8 ~~and overseas voters, as defined in subdivision 2539(c)(3) of this title, and then~~
9 ~~returned pursuant to subdivision (A) of this subdivision (d)(2) shall be printed~~
10 ~~by the clerk and processed in the same manner as all other early or absentee~~
11 ~~ballots and in accordance with the procedures prescribed by this subchapter.~~

12 ~~(C) The voter shall be notified when a ballot electronically delivered~~
13 ~~pursuant to subsection 2539(b) or (c) of this title to voters with disabilities, as~~
14 ~~defined in 9 V.S.A. 4501(2), and overseas voters, as defined in subdivision~~
15 ~~2539(c)(3) of this title, and then returned pursuant to subdivision (A) of this~~
16 ~~subdivision (d)(2) is received and printed by the clerk pursuant to subdivision~~
17 ~~(B) of this subdivision (d)(2).~~

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

20 * * *

1 * * * Delinquent Disclosures for Candidates for State Office, County Office,
2 State Senator, and State Representative * * *

3 Sec. 11c. 17 V.S.A. chapter 49, subchapter 4 is amended to read:

4 Subchapter 4. Miscellaneous Provisions

5 * * *

6 § 2414. CANDIDATES FOR STATE, COUNTY, AND LEGISLATIVE
7 OFFICE; DISCLOSURE FORM

8 (a) Each candidate for State office, county office, State Senator, or State
9 Representative shall file with the officer with whom consent of candidate
10 forms are filed, along with ~~his or her~~ the candidate's consent, a disclosure form
11 prepared by the State Ethics Commission that contains the following
12 information in regard to the previous calendar year:

13 * * *

14 (c) In addition, each candidate for State office shall attach to the disclosure
15 form described in subsection (a) of this section a copy of his or her most recent
16 U.S. Individual Income Tax Return Form 1040; provided, however, that the
17 candidate may redact from that form the following information:

18 (1) the candidate's Social Security number and that of his or her spouse,
19 if applicable;

20 (2) the names of any dependent and the dependent's Social Security
21 number; ~~and~~

1 (3) the signature of the candidate and that of his or her spouse, if
2 applicable;

3 (4) the candidate's street address; and

4 (5) any identifying information and signature of a paid preparer.

5 (d)(1) A senatorial district clerk or representative district clerk who
6 receives a disclosure form under this section shall forward a copy of the
7 disclosure to the Secretary of State within three business days ~~of~~ after
8 receiving it.

9 (2)(A) The Secretary of State shall post a copy of any disclosure forms
10 and tax returns ~~he or she~~ the Secretary receives under this section on ~~his or her~~
11 the Secretary's official State website. The forms shall remain posted on the
12 Secretary's website until the date of the filing deadline for petition and consent
13 forms for major party candidates for the statewide primary in the following
14 election cycle.

15 * * *

16 (e) As used in this section:

17 (1) "County office" means the office of assistant judge, probate judge,
18 sheriff, high bailiff, and state's attorney.

19 (2) "Domestic partner" means an individual with whom the candidate
20 has an enduring domestic relationship of a spousal nature, as long as the
21 candidate and the domestic partner:

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~~(2)~~(3) “Lobbyist” and “lobbying firm” shall have the same meanings as in 2 V.S.A. § 261.

§ 2415. FAILURE TO FILE; PENALTIES

(a) If any disclosure required of a candidate for State office, county office, State Senator, or State Representative by section 2414 of this title is not filed by the time frames set forth in sections 2356, 2361, and 2402 of this title, the candidate for State office, county office, State Senator, or State Representative shall be addressed as follows:

(1) The State Ethics Commission shall issue a notice of delinquency to the candidate for State office, county office, State Senator, or State Representative for any disclosure required of a candidate for State office, county office, State Senator, or State Representative by section 2414 of this title that is not filed by the time frames set forth in sections 2356, 2361, and 2402 of this title.

(2) Following notice of delinquency sent by the State Ethics Commission to the candidate for State office, county office, State Senator, or State Representative, the candidate shall have five working days from the date of the issuance of the notice to cure the delinquency.

(3) Beginning six working days from the date of notice, the delinquent candidate for State office, county office, State Senator, or State Representative

1 shall pay a \$10.00 penalty for each day thereafter that the disclosure remains
2 delinquent; provided, however, that in no event shall the amount of any penalty
3 imposed under this subdivision exceed \$1,000.00.

4 (4) The State Ethics Commission may reduce or waive any penalty
5 imposed under this section if the candidate for State office, county office, State
6 Senator, or State Representative demonstrates good cause, as determined by
7 the State Ethics Commission and in the sole discretion of the State Ethics
8 Commission.

9 (b) The Commission shall send a notice of delinquency to the e-mail
10 address provided by the candidate for State office, county office, State Senator,
11 or State Representative in their consent of candidate form.

12 (c) The State Ethics Commission may avail itself of remedies available
13 under the Vermont Setoff Debt Collection Act, as set forth in 32 V.S.A.
14 chapter 151, subchapter 12, to collect any unpaid penalty.

15 (d)(1) A candidate for State office, county office, State Senator, or State
16 Representative who files a disclosure with intent to defraud, falsify, conceal, or
17 cover up by any trick, scheme, or device a material fact, or with intent to
18 defraud make any false, fictitious, or fraudulent claim or representation as to a
19 material fact, or with intent to defraud make or use any writing or document
20 knowing the same to contain any false, fictitious, or fraudulent claim or entry

1 as to a material fact shall be considered to have made a false claim for the
2 purposes of 13 V.S.A. § 3016.

3 (2) Complaints regarding any candidate for State office, county office,
4 State Senator, or State Representative who fails to properly file a disclosure
5 required under this subchapter pursuant to this subsection shall be accepted,
6 reviewed, referred, and kept confidential pursuant to 3 V.S.A. § 1223 and §
7 2904a of this title.

8 * * * Campaign Finance Reform And Electronic Ballots Return Report * * *

9 Sec. 11d. CAMPAIGN FINANCE REFORM AND ELECTRONIC

10 BALLOTS RETURN; REPORT

11 On or before January 15, 2025, the Secretary of State, in consultation with
12 the Attorney General, the Vermont Ethics Commission, Vermont Municipal
13 Clerks' and Treasurers' Association, and other relevant stakeholders as
14 determined by the Secretary of State, shall report to the House Committee on
15 Government Operations and Military Affairs and the Senate Committee on
16 Government Operations on the following:

17 (1) recommendations for updating the current public financing option as
18 described in 17 V.S.A. chapter 61, subchapter 5 to increase accessibility and
19 use by candidates in Vermont elections, including expanding the public
20 financing option to elections for other offices;

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Senator _____

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FOR THE COMMITTEE