

**Overview of Committee Amendment to H. 429.**

**“An act relating to miscellaneous changes to election laws”**

This strike-all amendment from the Senate Committee on Government Operations (“SGO”) to House Bill 429, an act relating to miscellaneous changes to election laws. This SGO amendment:

- prohibits candidates who lose major party primaries from running in general elections;
- modifies campaign finance limits, permitting a political party to accept not more than \$30,000.00 from a candidate for State office;
- requires biennial committee reorganization reporting to include town and county-level political committee members;
- encourages the collection of candidate demographic information in numerous elections;
- changes registration dates for write-n candidates and increases minimum thresholds for write-in candidates to win in primary elections; and
- enabling electronic ballot returns for voters who have a disability and overseas voters, with a study committee to review this implementation and report back on January 15, 2024, and for these provisions to sunset on July 1, 2025.

**\* \* \* Sore Loser Law \* \* \***

Secs. 1 and 2 together will prohibit candidates who lose a major party primary election from running in the general election as another party’s candidate or as an independent candidate. This prohibition is what is also commonly referred to in legal and political science fields as a “sore loser law.” Note: *The SGO amendment will not alter this language as passed by the House in H.429.*

- 1) Sec. 1 adds a new subsection (c) to [17 V.S.A. § 2381 \(applicability of subchapter\)](#) in Title 17, Chapter 49, Subchapter 2 (Nomination by Party Committee).
- 2) Sec. 2 amends [17 V.S.A. § 2401 \(applicability of subchapter\)](#) in Title 17, Chapter 49, Subchapter 3 (Independent Candidates).

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

Sec. 3 amends [17 V.S.A. § 2941 \(limitations of contributions\)](#) to permit a political party to accept not more than \$30,000.00 from a candidate for State office. Note: *The SGO amendment corrects a typo in this language as passed by the House in H.429, changing a “may” to a “shall.” It also lowers the House limit of \$60,000.00 down to \$30,000.00.*

\* \* \* Biennial Committee Reorganization Reporting \* \* \*

Sec. 4 amends [17 V.S.A. § 2313 \(filing of certificate of organization\)](#) requires biennial committee reorganization reporting to include town and county-level political committee members. Note: *The SGO amendment will not alter this language as passed by the House in H.429.*

[Note: Sec. 5 was labeled [Deleted.] in the bill as passed by the House.]

\* \* \* Candidate Demographic Information \* \* \*

Secs. 6, 7, and 8 will enable the of demographic information candidates running for local (but not school boards), county, and state offices, on a *voluntary* basis; specifically, name, gender, age, race or ethnicity. Note: *The SGO amendment adds an exemption to the Public Records Act, making this demographic information confidential, except that the Secretary of State may publish this data in aggregate form.*

- 3) Sec. 6 amends [17 V.S.A. § 2359 \(notification to Secretary of State\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections).
- 4) Sec. 7 amends [17 V.S.A. § 2361 \(consent of candidate\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections).
- 5) Sec. 8 amends [17 V.S.A. § 2665 \(notification to Secretary of State\)](#) in Title 17, Chapter, 55 (Local Elections), Subchapter 2 (Town Meetings And Local Elections In General)

\* \* \* Write-in Candidate Registration & Minimum Thresholds in Primary Elections \* \* \*

Secs. 9, 9a, 9b, 9c will together require a write-in candidate for the General Assembly, any State office, or any federal office to register (by filing a consent of candidacy form) no later than 5:00 p.m. on the second Friday preceding the primary election. Note: *The SGO amendment does not apply the write-in candidate registration requirements to local elections, as was part of the House bill, and now omits amendments to [17 V.S.A. § 2682a](#).*

- Sec. 9 amends [17 V.S.A. § 2370 \(write-in candidates\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections) adding a new subsection (a).
- Sec. 9a amends 17 V.S.A. [§ 2472 \(Contents\)](#) adding subdivision (b)(6).
- Sec. 9b amends 17 V.S.A. [§ 2587. Rules for counting votes](#) subsection (e) regarding how clerks count votes. In brief, if a vote for a write-in candidate in an election for General Assembly, State office, or federal office, that had not registered prior to the election, the vote shall be counted as “a write-in vote that is without consent of candidate.” The election officials counting ballots and tallying results shall only list the names and votes received of registered write-in candidates. Any write-in votes for candidates who have not consented to the write-in candidacy shall be listed as “write-ins.”
- Sec. 9c amends 17 V.S.A. [§ 2702. Nominating petition](#) to add a new subsection (f) to apply the same write-in registration for presidential elections.

Sec. 9 will also, in to-be-designated subsection (b), increase the threshold for a write-in candidate to win a primary election, so that a write-in candidate must receive the higher of i) 10 percent of the votes cast for candidates plus one additional vote OR ii) the same number of votes as the number of signatures required for the candidate’s office on a primary petition (except if write-in candidate receives more votes than a candidate whose name is printed on the ballot, the write-in candidate wins). Note: *The prior House language had stated “10 percent of the votes cast **for party** plus one additional vote.”*

\* \* \* Electronic Ballot Returns \* \* \*

Secs. 9d through 11c will enable electronic ballot *returns* for votes who have a disability and overseas voters by means of a secure online portal developed and maintained by the Secretary of State.

- Sec. 9d amended [17 V.S.A. § 2539 \(delivery of early voter absentee ballots\)](#) to add a definition of “overseas voter” based on on the definitions of “Overseas voters” and the “United States” Uniformed And Overseas Citizens Absentee Voting Act (UOCAVA) in [52 U.S. Code § 20310 \(Definitions\)](#).
- Sec. 10 amends [17 V.S.A. § 2542 \(signing certificate\)](#) enables the voter affirmation to be available electronically rather than only in print.
- Sec. 11 amends [17 V.S.A. § 2543 \(return of ballots\)](#) specifically adds enabling language enable electronic ballot *returns* for votes who have a disability and overseas voters by means of a secure online portal developed and maintained by the Secretary of State.

\* \* \* Prospective Repeal of Electronic Ballot Returns \* \* \*

Secs. 11a and 11b together will prospectively repeal the enabling statutory language for electronic ballot returns for voters found in will sunset on July 1, 2025.

\* \* \* Delinquent Disclosures for Candidates for State Office, State Senator, and State Representative \* \* \*

Sec. 11c will amend 17 V.S.A. chapter 49, subchapter 4 (miscellaneous provisions) by:

- amending [17 V.S.A. § 2414 \(candidates for state and legislative office; disclosure form\)](#) to require candidates for county office (assistant judge, probate judge, sheriff, high bailiff, and state's attorney) to provide the State Ethics Commission a financial disclosure the same as candidates for State Office and legislators;
- require the Secretary of State to post a copy of any disclosure forms and tax returns received on the Secretary's official State website; and
- adding a new section 17 V.S.A. § 2415 (failure to file; penalties) that penalize candidates for State office, county office, State Senator, or State Representative who do not properly and timely file their disclosure forms, by, beginning six working days from the date of notice, the candidate would pay a \$10.00 penalty for each day delinquent but shall not exceed \$1,000.00.

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

Sec. 11d will require the Secretary of State to report by January 15, 2025 on the following:

- (1) data regarding the historical usage of the current public financing option report as described in 17 V.S.A. chapter 61, subchapter 5;
- (2) data regarding political contributions made by corporations in Vermont elections by office for primary and general elections;
- (3) an assessment of compliance rates for the filing of campaign finance reports before and after penalties were imposed by 17 V.S.A. §2414 and §1415; and
- (4) as assessment of the electronic ballot return system as modified by 2023 amendments to 17 V.S.A. § 2542 and § 2543, including any identified issues and recommendations for correcting any issues or improving related voting processes.

\* \* \* Effective Date \* \* \*

Sec. 12, Effective Date, will have the provisions of the bill take effect on July 1, 2023, except that the enabling statutory language for electronic ballot returns for voters found in Secs. 11a and 11b will sunset on July 1, 2025.