1	H.298
2	Introduced by Representatives Hubert of Milton, Mook of Bennington, Atkins
3	of Winooski, Bissonnette of Winooski, Buxton of Royalton,
4	Christie of Hartford, Condon of Colchester, Consejo of
5	Sheldon, Devereux of Mount Holly, Dickinson of St. Albans
6	Town, Donaghy of Poultney, Higley of Lowell, Jerman of
7	Essex, Keenan of St. Albans City, Lewis of Derby, McAllister
8	of Highgate, McNeil of Rutland Town, Myers of Essex, Savage
9	of Swanton, Shaw of Pittsford, Stevens of Shoreham, Sweaney
10	of Windsor and Townsend of Randolph
11	Referred to Committee on
12	Date:
13	Subject: Elections; conduct of elections; ballots; recounts
14	Statement of purpose: This bill proposes to require the secretary of state to
15	supply towns with standardized ballots that can be used in vote tabulators, and
16	to require that recounts be performed using vote tabulators.
17	An act relating to standardized ballots and vote tabulators

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

3

4

5

6

7

8

9

10

11

12

13

14

18

19

20

1 Sec. 1. 17 V.S.A. § 2471 is amended to read:

§ 2471. GENERAL ELECTION BALLOT

(a) A consolidated ballot shall be used at a general election, which shall list the several candidates for the offices to be voted upon. The offices of president and vice-president of the United States, United States senator, United States representative, governor, lieutenant governor, state treasurer, secretary of state, auditor of accounts, attorney general, state senator, representative to the general assembly, judge of probate, assistant judge, state's attorney, sheriff, and high bailiff shall be listed in that order. Any statewide public question shall also be listed on the ballot, before the listing of all offices to be filled. The ballot shall be prepared at state expense under the direction of the secretary of state. The color of the ballot shall be determined by the secretary of state. The printing shall be black. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

15 ***

16 Sec. 2. 17 V.S.A. § 2493 is amended to read:

17 § 2493. RULES FOR USE OF VOTING MACHINES

(a) The secretary of state shall adopt rules governing the use and the selection of any voting machine in the state. These rules shall include requirements that:

21 ***

1	(6) Establish a process for using voting machines in recounts.
2	Sec. 3. 17 V.S.A. § 2535(b) is amended to read:
3	(b) If necessary, special ballots may be prepared of such different weight of
4	paper, or overall size and shape as shall be prescribed by the secretary of state,
5	to conform with minimum postal, military, naval, air force or other federal or
6	military regulations and orders covering the transportation of such ballots,
7	provided that the text is identical in substance, except as to type size, with that
8	appearing on the official ballots.
9	Sec. 4. 17 V.S.A. chapter 51, subchapter 9 is amended to read:
10	Subchapter 9. Recounts and Contest of Elections
11	* * *
12	§ 2602b. ASSIGNMENT OF DUTIES
13	(a) The county clerk shall supervise the recount and may appoint a
14	sufficient number of impartial assistants to perform appropriate tasks which
15	have not been assigned to recount committee members. The secretary of state
16	shall recruit town clerks to serve as impartial assistants to the county clerk for
17	operating the vote tabulators. The county clerk shall store all ballots, still in
18	their sealed containers, in his or her vault until the day of the recount.

* * *

§ 2602c. PREPARATION FOR RECOUNT

- (a) Before the recount begins, the county clerk shall explain the recount procedures which 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.
- (b) The Each recount teams established team shall recount the contents of one container before another container is opened opening another container at its table, shall recount the contents of all the containers relating to one polling place before moving to those of another polling place, and shall complete the recount for one town before moving to material relating to another town.

11 ***

§ 2602f. FIRST TALLY RECOUNT BY VOTE TABULATOR

(a) The caller shall call the name of the person voted for and/or blank ballots, and/or spoiled ballots. The tally person and the double check person or persons each shall make a suitable mark for that candidate and/or blank ballots, and/or spoiled ballots Machine-readable ballots from each pile shall be fed through a vote tabulator by one team until all machine-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

1	machine-readable ballots have been fed through the machine, the first team
2	shall feed through the machine any transfer ballots created by the second team.
3	The recount teams shall switch roles for each subsequent container of ballots
4	of a polling place that are to be fed through the vote tabulator, if there is more
5	than one container per polling place. This process shall be used until all ballots
6	from a polling place have been tabulated by a vote tabulator.
7	(b) After all ballots from a polling place have been tabulated by a vote
8	tabulator, a recount team shall print the tabulator tape containing the unofficial
9	results and document those results on a tally sheet. Another recount team shall
10	then open the tabulator's ballot box and remove all ballots. The ballots shall
11	then be divided among the recount teams to be examined to find write-in
12	names and markings of voter intent that were not machine readable as outlined
13	in the secretary of state's vote tabulator guide and most recent elections
14	procedures manual. A caller, tally person, and double-check person shall be
15	used to examine the ballots removed from the ballot box. If the caller and the
16	observer or observers do not agree on how a ballot should be counted, the
17	entire team shall review the ballot and if all members agree, it shall be counted
18	that way.
19	(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. Such copies shall be placed on the

20

21

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		
the first its recount.		
* * *		
Sec. 5. REPEAL		
17 V.S.A. §§ 2602g (second tally) and 2602l (recounts using voting		
machines) are repealed.		
Sec. 6. EFFECTIVE DATE		

This act shall take effect on passage.