

# House Calendar

Thursday, April 03, 2014

87th DAY OF THE ADJOURNED SESSION

House Convenes at 1:00 P.M.

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**ORDERS OF THE DAY**

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**ACTION CALENDAR**

**Action Postponed Until April 3, 2014**

**Favorable with Amendment**

**S. 86**

An act relating to miscellaneous changes to election laws

**Rep. Martin of Wolcott**, for the Committee on **Government Operations**, recommends that the House propose to the Senate that the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Offenses Against the Purity of Elections \* \* \*

Sec. 1. 17 V.S.A. chapter 35 is amended to read:

Subchapter 1. Penalties Upon Officers

§ 1931. PRESIDING OFFICER RECEIVING ILLEGAL VOTE

A presiding officer in a ~~town, village, or school district meeting or in a local~~, primary, or general election who knowingly receives and counts a vote from a person not a qualified voter or knowingly receives from a voter, at any one balloting for the same office, more than one vote, shall be fined not more than \$100.00 if the offense is committed in a ~~town, village, or school district meeting~~, local election and not more than \$500.00 if in a primary or general election.

§ 1932. COUNTING ~~BALLOTS AND TURNING~~ OPENING BALLOT BOXES BEFORE PROPER TIME

A presiding officer at a primary or general election, who allows the ballots for representative to the ~~general assembly~~ General Assembly, ~~state or State~~, county, or congressional officers to be counted or, except as provided in section 2499 of this title, the ballot box containing the same to be ~~turned opened~~ before the ~~hour set by the legislative branch for closing~~ of the polls shall be fined not more than ~~\$100.00~~ \$200.00 nor less than \$20.00.

§ 1933. NONPERFORMANCE OF DUTY BY PUBLIC OFFICER

~~A~~ Except as otherwise provided by this title, a public officer upon whom a duty is imposed by the provisions of this title, who ~~wilfully~~ willfully neglects to perform such duty or who ~~wilfully~~ willfully performs it in such a way as to hinder the object of the provisions of this title, shall be fined not more than \$500.00; ~~but the provisions of this section shall not apply to a public officer~~

~~upon whom a duty is imposed by the provisions of chapter 9, section 571 of chapter 11, and chapter 13 of this title, the nonperformance of which is an offense under either of such chapters.~~

## Subchapter 2. Penalties Upon Voters

### § 1971. CASTING MORE THAN ONE BALLOT

A legal voter who knowingly casts more than one ballot at any one time of balloting for the same office shall be fined not more than \$1,000.00; if the offense is committed at a primary or general election; and not more than \$100.00; if committed ~~in town meeting~~ at a local election.

### § 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

(a) A voter who, except in cases of assistance as provided in this title, allows his or her ballot to be seen by another person with an apparent intention of letting it be known how he or she is about to vote or makes a false statement to the presiding officer at an election as to his or her inability to mark his or her ballot or places a distinguishing mark on his or her ballot; or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined \$1,000.00.

(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.

### § 1973. VOTING IN MORE THAN ONE PLACE

A person who, on the same day, votes in more than one town, district, or ward for the same office shall be fined not more than \$1,000.00.

### § 1974. VOTER OMITTED FROM LIST, VOTING IN ANOTHER ~~TOWN~~ POLITICAL SUBDIVISION

A person who is a resident and entitled to vote in a town political subdivision in which a checklist of voters has been made previous to an election, whose name, through his or her neglect, is not entered thereon, who votes in another ~~town~~ political subdivision at such election; shall be fined not more than \$200.00.

## Subchapter 3. Miscellaneous

### § 2011. PERJURY BEFORE BOARD MAKING CHECKLIST

A person who knowingly swears falsely to a fact or matter which may be the subject of inquiry by the board of civil authority or town clerk in revising the checklist as provided in this title shall be guilty of perjury and imprisoned not more than 15 years ~~and~~ or fined not more than \$1,000.00, or both.

§ 2012. PROCURING CHANGE IN LIST WRONGFULLY

A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a checklist of voters, knowing such person not to be a voter in the ~~town~~ political subdivision for which such list is made or, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be erased from such list, knowing him or her to be a legal voter in such ~~town~~ political subdivision, shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2013. FALSE ANSWER AS TO RIGHT TO VOTE

A person who knowingly gives a false answer or information to the presiding officer at a local, primary, or general election or to the authority present to decide upon the qualifications of voters, touching a person's right to vote at such election, shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2014. UNQUALIFIED PERSON VOTING

A person, knowing that he or she is not a qualified voter, who votes at a ~~town, village, or school district meeting or a~~ local, primary, or general election for an officer to be elected at ~~such meeting or that~~ election shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2015. FRAUDULENT VOTING

A person who personates another, living or dead, and gives or offers to give a vote in the name of ~~such~~ that other person or gives or offers to give a vote under a fictitious name at a ~~town, village, or school district meeting or a~~ local, primary, or general election; for an officer to be elected at ~~such meeting or that~~ election; shall be imprisoned not more than one year or fined not more than ~~\$100.00~~ \$200.00, or both.

§ 2016. AIDING UNQUALIFIED VOTER TO VOTE

A person who ~~willfully~~ willfully aids or abets a person who is not a duly qualified voter in voting or attempting to vote at a local, primary, or general election shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2017. UNDUE INFLUENCE

A person who attempts by bribery, threats, or any undue influence to dictate, control, or alter the vote of a freeman or freewoman about to be given at a local, primary, or general election shall be fined not more than \$200.00.

§ 2018. ~~USING INTOXICATING LIQUOR TO INFLUENCE VOTES~~

~~A person who, directly or indirectly, gives intoxicating liquor to a freeman with intent to influence his or her vote at an election specified in section 2017~~

~~of this title or as a reward for voting as previously directed, shall be fined not more than \$200.00. [Repealed.]~~

§ 2019. DESTROYING LISTS; HINDERING VOTING

A person who, prior to ~~an~~ a local, primary, or general election, willfully defaces or destroys any list of candidates posted in accordance with law or, during ~~an~~ that election, willfully defaces, tears down, removes, or destroys any card posted for the instruction of voters or, during ~~an~~ that election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his or her ballot or willfully hinders the voting of others; shall be fined ~~\$50.00~~ \$200.00.

§ 2020. ~~OFFENSES APPLYING TO PRIMARY ELECTIONS~~

~~The provisions of sections 1972-1974 and 2011-2019 of this title shall apply to primary elections held under the provisions of chapter 9 of this title and the word "officer" or "officers," when used in any of such sections to designate a person or persons to be voted for at an election, shall include a candidate or candidates for nomination by primary election. [Repealed.]~~

§ 2021. ~~DESTROYING CERTIFICATES OF NOMINATION~~

DESTRUCTION OF OR FRAUDULENT ACTS PERTAINING TO  
PRIMARY ELECTION DOCUMENTS; ALTERATION OR  
DELAY OF BALLOTS

A person who falsely makes or willfully defaces or destroys a primary petition, certificate of nomination, or nomination paper or any part thereof, or any letter of assent or of withdrawal, or who files a primary petition, a certificate of nomination, nomination paper, letter of assent, or letter of withdrawal; knowing the same or any part thereof to be falsely made, or who suppresses a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal or any part thereof; which has been filed, or forges or falsely makes the official ~~indorsement~~ endorsement upon a ballot to be used at a primary or at an election or willfully destroys or defaces such a ballot or willfully delays the delivery of such ballots; shall be fined ~~\$100.00~~ \$200.00.

\* \* \* 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:

\* \* \*

(4) “Australian ballot system” means the technique of having the polls open for voting on specified and warned matters during a warned, extended period which may be during or after a municipal meeting, or both. An “Australian ballot” means a uniformly printed ballot, typically confined to the secret vote election of specified offices as previously warned to be voted upon by the Australian ballot system. The term “Australian ballot” includes any ~~voting machines~~ ballots counted by a vote tabulator approved for use in any election so conducted in the ~~state~~ State.

\* \* \*

(24) “Political subdivision” means any county, municipality (including cities, towns, and villages), representative district, senatorial district, school district, fire district, water, sewer or utility district, ward, and any consolidation of the foregoing entities authorized under the laws of this ~~state~~ State.

\* \* \*

(35) “Town clerk” means a town officer elected pursuant to ~~24 V.S.A. § 712(2)~~ section 2646 of this title or otherwise elected or appointed by law and performing those duties prescribed by 24 V.S.A. chapter 35.

\* \* \*

(41) “Voter registration agency” or “agency” means all state offices that provide public assistance, all state offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, any federal and nongovernmental offices that have agreed to be designated by the ~~secretary~~ Secretary as a voter registration agency, and any state or local agency designated by the ~~secretary~~ Secretary as a voter registration agency. State and local agencies designated by the ~~secretary~~ Secretary may include: ~~the departments of taxes and unemployment compensation,~~ Departments of Taxes and of Labor and offices that provide services to persons with disabilities other than those that provide state-funded programs primarily engaged in providing services to persons with disabilities.

\* \* \*

(43) “Vote tabulator” means a machine that registers and counts paper ballots and includes optical scan tabulators.

\* \* \* Revisions of Checklists and Voter Registration \* \* \*

Sec. 3. 17 V.S.A. chapter 43, subchapter 2 is amended to read:

Subchapter 2. Registration of Voters

§ 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 to vote to be posted in two or more public places in the ~~town~~ municipality in addition to being posted at the town clerk's office; however, in a ~~town~~ municipality having a population of less than 5,000 qualified voters, only one checklist in addition to the one posted in the town clerk's office need be posted.

(b) Upon the checklist shall be stated against the name of each voter, if possible, the street and number of each voter's residence, and otherwise the mailing address of each voter's residence. ~~The town clerk shall make available a copy of the list, together with lists of corrections and additions when made, to the chair of each political party in the town, upon request, free of charge.~~ Additions or amendments to the checklist may be attached to the checklist by means of a separate list. ~~Copies of the list shall be made available to other persons at cost, and~~

(c) The town clerk shall make available a copy of the list, together with lists of corrections and additions when made:

(1) to the chair of each political party in the municipality, upon request, free of charge;

(2) to officers with whom primary petitions are filed under section 2357 of this title, free of charge; and

(3) to any other person, upon request, at cost.

§ 2142. REVISION OF CHECKLIST

(a) The town clerk shall call such meetings of the board of civil authority as may be necessary before an election or at other times for revision of the checklist. At least one meeting shall take place after the deadline for filing applications and before the day of an election, unless no applications have been filed which could take effect before that election.

(b) Notice of a meeting, along with a copy of the most recent checklist and a separate list of names which have been challenged and may be removed, shall be posted in two or more public places within each voting district and ~~lodged~~ in the town clerk's office.

(c) A quorum of the board of civil authority shall be as provided in subdivision 2103(5) of this title, and written notice shall be provided to each member as established in 24 V.S.A. § 801.



§ 2143. POLITICAL REPRESENTATION ON BOARD OF CIVIL  
AUTHORITY

(a) If the board of civil authority of any political subdivision does not contain at least three members of each major political party, and the party committee or at least three voters request increased representation for an underrepresented major political party, by filing a written request with the clerk of the political subdivision, the legislative body shall appoint from a list of names submitted to it by the underrepresented party a sufficient number of voters to the board of civil authority to bring the underrepresented major party's membership on the board to three. A person's name shall not be submitted unless he or she consents to serve if appointed.

(b) The persons so appointed shall have the same duties and authority with respect to elections as have other members of the board; ~~they, but those persons~~ shall have no authority with respect to functions of the board of civil authority which are not related to elections.

\* \* \*

§ 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK

(a)(1) A town clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter ~~and section 2103 of this title~~. Once approved, application information shall be added to the statewide voter checklist ~~on an expedited basis~~ within three business days of receipt by the town clerk's office.

(2) If an applicant has failed upon the date of the election to provide any information required upon the application form pursuant to section 2145 of this title, the town clerk shall notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election.

\* \* \*

§ 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the ~~federal election commission~~ Federal Election Commission or by the ~~secretary of state~~ Secretary of State. The application form approved by the ~~secretary~~ Secretary shall include:

(1) A place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and a place for the signature of the applicant affirming, under penalty of perjury, that all information submitted by the applicant is accurate and truthful. The affirmation shall include the following information:

(A) The applicant's place and date of birth.

(B) The applicant's town of legal residence.

(C) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(D)(i) if the applicant has been issued a current and valid driver's license or nondriver's identification, the applicant's driver's license number or nondriver's identification number; or

(ii) if the applicant does not possess a driver's license number, the last four digits of the applicant's Social Security number; or

(iii) if the applicant does not possess a Social Security number, the town clerk shall contact the ~~secretary of state~~ Secretary of State and the ~~secretary~~ Secretary shall assign a unique identifier for the applicant.

(E) The applicant's e-mail address, which shall be optional to provide.

\* \* \*

(c) A board of civil authority or town clerk may not require a person to complete any form other than that approved under subsection (a) of this section or section 2145a of this title; nor may the board of civil authority or the town clerk require all applicants or any particular class or group of applicants to appear personally before a meeting of the board or routinely or as a matter of policy require applicants to submit additional information to verify or otherwise support the information contained in the application form.

(d) When the board of civil authority acts on an application to add a name to the checklist, it or, upon request of the board, the town clerk shall notify the applicant by returning one copy of the completed application to the applicant and shall ~~send one copy of the completed application to~~ notify the town in which the applicant was last registered to vote, whether within or without the ~~state~~ State of Vermont, by submitting the notification electronically within the statewide voter checklist system or by mailing a copy of the completed application to that town before adding the applicant's name and mailing address to the checklist. The original application shall be filed in the office of the town clerk.

\* \* \*

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

\* \* \*

(d) ~~The department of motor vehicles~~ Department of Motor Vehicles shall transmit voter registration applications received under this section to the ~~secretary of state~~ Secretary of State not later than ~~10~~ five days after the date the application was accepted by the ~~department~~ Department, or before the close of the checklist for a primary or general election, whichever is sooner. ~~In the case of a voter registration application accepted within five days before the checklist is closed under section 2144 of this title for a primary or general election, the application shall be transmitted to the secretary of state not later than five days after the date of.~~

\* \* \*

#### § 2145b. VOTER REGISTRATION AGENCIES

(a) Each voter registration agency shall:

\* \* \*

(3) Accept completed voter registration applications and transmit completed applications to the ~~secretary of state~~ Secretary of State not later than 10 days after the date of acceptance, or before the close of the checklist for a primary or general election, whichever is sooner. ~~In the case of an application accepted within five days before the checklist is closed under section 2144 of this title for a primary or general election, the application shall be transmitted to the secretary of state not later than five days after the date of acceptance.~~

\* \* \*

#### § 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER PERSONS OR ORGANIZATIONS

Any person or any organization other than a voter registration agency that accepts a completed voter registration form on behalf of an applicant shall submit that form to the town clerk of the town of that applicant not later than seven days after the date of acceptance, or before the close of the checklist for a primary or general election, whichever is sooner.

#### § 2146. ACTION OF BOARD OF CIVIL AUTHORITY OR TOWN CLERK IN REVISING CHECKLIST

(a) At a meeting to revise the checklist, the board of civil authority shall determine whether any person who has applied to be registered to vote meets the requirements of section 2121 of this title. On demand of a majority of the board present, applicants may be examined under oath concerning the facts stated in the application. The board may make such investigation as it deems proper to verify any statement made under oath by an applicant.

(b) As soon as possible, after receipt of an application, the board or, upon request of the board, the town clerk shall inform an applicant of its action as provided in subsection (d) of section 2145 of this ~~title~~ chapter. If the board rejects an applicant, it shall also notify him or her forthwith, in person or by first class mail directed to the address given in the application, of its reasons. The notice shall be in substantially the following form:

**REJECTION OF APPLICATION FOR ADDITION TO CHECKLIST**

The Board of Civil Authority of .....,  
(Town/City)

having met on ....., 20 ..... to consider applications for addition to the checklist, ~~have~~ has found probable cause, as stated below, to reject the application of .....

(Name)

Cause for rejection:

- (a) AGE:
- (b) CITIZENSHIP:
- (c) VOTER'S OATH:
- (d) RESIDENCE:

The Board of Civil Authority will meet on the ..... day of ....., 20 ....., at ..... o'clock at the following location: ..... to reconsider your application and give you an opportunity to appear before the Board. You may present any information or witnesses you wish at that time, or you may appeal directly to any superior or district judge in this county or district.

.....  
Town Clerk or Chairman of Board  
of Civil Authority

(c) If the notice required under subsection (b) of this section is returned undelivered, the board of civil authority shall proceed to remove the person's name from the checklist in the manner set forth in section 2150 of this title.

**§ 2147. ALTERATION OF CHECKLIST**

(a) Pursuant to section 2150 of this title, the board of civil authority or, upon request of the board, the town clerk shall add to the checklist posted in the town clerk's office the names of the voters added and the names omitted by mistake, and shall strike the names of persons not entitled to vote. The list so

corrected shall not be altered except by:

(1) adding the names of persons as directed by any superior or district judge on appeal;

(2) adding the names of persons who are legal voters at the election but whose names are further discovered to be omitted from the completed checklist solely through inadvertence or error;

(3) adding the names of persons who present a copy of a valid application for addition to the checklist of that town that was submitted before the deadline for applications and who otherwise are qualified to be added to the checklist;

(4) adding, at the polling place, the names of persons who sign a sworn affidavit prepared by the ~~secretary of state~~ Secretary of State that they completed and submitted a valid application for addition to the checklist of that town before the deadline for applications and who otherwise are qualified to be added to the checklist;

(5) subdividing the checklist as provided in section 2501 of this title, including the transfer of names of voters who have moved within a town in which they are already registered from one voting district within that town to another; or

(6) adding the names of persons who submitted an incomplete application before the deadline for application, and who provide that information on or before election day.

(b) Any correction or transfer may be accomplished at any time until the closing of the polls on election day. Each voter has primary responsibility to ascertain that his or her name is properly added to and retained on the checklist.

\* \* \*

#### § 2150. REMOVING NAMES FROM CHECKLIST

(a) When a voter from one ~~town~~ political subdivision becomes a resident of another ~~town~~ political subdivision and is placed on the checklist there, the town clerk shall send one copy of the voter registration application form or other official notice to the clerk of the ~~town~~ political subdivision where the voter was formerly a resident, and that clerk shall strike the voter's name from the checklist of that ~~town~~ political subdivision. Likewise, when a town clerk receives a copy of the death certificate of a voter, public notice of the death of a voter, or official notice from the ~~department of motor vehicles~~ Department of Motor Vehicles that a voter has authorized his or her address to be changed for voting purposes, the clerk shall strike the voter's name from the checklist. A

town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

(b) The board of civil authority at any time may consider the eligibility of persons on the checklist whom the board believes may be deceased, may have moved from the municipality, or may be registered in another place and may remove names of persons no longer qualified to vote. However, the board shall not remove any name from the checklist except in accordance with the procedures in subsection (d) of this section, and any systematic program for removing names from the checklist shall be completed at least 90 days before an election.

(c) In addition to any actions it takes under subsections (a) and (b) of this section, by September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. In every case where the board of civil authority is unable to determine under subdivisions (d)(1) and (2) of this section that a person is still qualified to vote, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the person and take appropriate action as provided in subdivisions (d)(3) through (5) of this section. The intent is that when this process is completed there will have been some confirmation or indication of continued eligibility for each person whose name remains on the updated checklist.

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

(1) If the board of civil authority is satisfied that a voter whose eligibility is being considered is still qualified to vote in the municipality, the voter's name shall remain on the checklist, and no further action shall be taken.

(2) If the board of civil authority does not immediately know that the voter is still qualified to vote in the municipality, the board shall attempt to determine with certainty what the true status of the voter's eligibility is. The board of civil authority may consider and rely upon official and unofficial public records and documents, including ~~but not limited to~~, telephone directories, city directories, newspapers, death certificates, obituary (or other public notice of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years. The board of civil authority may also designate one or more persons to attempt to contact the voter personally. Any voter whom the board of civil authority finds through such inquiry to be eligible to remain on the checklist shall be retained without further action being taken. The name of any voter proven to be deceased shall

be removed from the checklist.

(3) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with the required United States Postal Service language for requesting change of address information. Enclosed with the notice shall be a postage paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name. The notice required by this subsection shall also include the following:

(A) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the change was within the area covered by the checklist, the voter should return the form to the town clerk's office on or before the date upon which the checklist is closed under section 2144 of this title. The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

(B) Information concerning how the voter can register to vote in another state or another municipality within this ~~state~~ State.

(4) If the voter confirms in writing that the voter has changed his or her residence to a place outside the area covered by the checklist, the board of civil authority shall remove the voter's name from the checklist.

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

\* \* \*

#### § 2154. STATEWIDE VOTER CHECKLIST

\* \* \*

(b) A registered voter's month and day of birth, driver's license number, and the last four digits of the applicant's Social Security number, ~~and street~~

~~address if different from the applicant's mailing address~~ shall not be considered a public record as defined in 1 V.S.A. § 317(b). 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~~ Secretary of State.

\* \* \*

Sec. 4. 1 V.S.A. § 317(c)(31) is amended to read:

(31) records of a registered voter's month and day of birth, motor vehicle operator's license number, and the last four digits of the applicant's Social Security number, ~~and street address if different from the applicant's mailing address~~ contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154;

\* \* \* Party Organization \* \* \*

Sec. 5. 17 V.S.A. § 2307 is amended to read:

§ 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE DELEGATES

(a) Within 72 hours after the caucus, the ~~chairman~~ chair and secretary of the town committee shall mail to the ~~secretary of state~~, Secretary of State and the ~~chairmen~~ chairs of the ~~state~~ State and county committees, ~~and the town clerk~~ a copy of the notice calling the meeting and a certified list of the names and mailing addresses of the officers and members of the town committee and of the delegates to the county committee.

(b) A committee is not considered organized until it has filed the material required by this section.

(c) The ~~secretary of state~~ Secretary of State shall furnish forms for this purpose to the ~~chairman~~ chair of the ~~state~~ State committee of a political party.

Sec. 6. 17 V.S.A. § 2310 is amended to read:

§ 2310. ELECTION OF STATE COMMITTEE

(a) The chair of the county committee, ~~the national committee man, and the national committee woman~~ shall be ~~members~~ a member of the ~~state~~ State committee. Each county committee shall be entitled to elect at least two additional members of the ~~state~~ State committee, ~~one male and one female~~. These delegates need not be members of the county committee. If the rules or bylaws of a ~~state~~ State committee provide for apportionment of additional members of the ~~state~~ State committee to come from the county, the county committee also shall elect those additional members.



(b) All county committee members and officers and all persons elected to the ~~state~~ State committee shall be voters in the county from which they are elected.

(c) County committee members and delegates to the ~~state~~ State committee shall serve for the following two years or until their successors are elected or appointed.

Sec. 7. 17 V.S.A. § 2311 is amended to read:

§ 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE COMMITTEE MEMBERS

(a) Within 72 hours of the first meeting of the county committee, its ~~chairman~~ chair and secretary shall mail to the ~~secretary of state, the county clerk,~~ Secretary of State and the ~~chairman~~ Chair of the ~~state~~ State committee a copy of the notice calling the meeting and a certified list of the names and mailing addresses of the officers of the county committee and of the members elected by the county committee to the ~~state~~ State committee.

(b) A committee is not considered organized until it has filed the material required by this section.

(c) The ~~secretary of state~~ Secretary of State shall prescribe and furnish forms for this purpose.

Sec. 8. 17 V.S.A. § 2313 is amended to read:

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

(a)(1) Within 10 days after the first meeting of the ~~state~~ State committee of a party, the ~~chair~~ Chair and ~~secretary~~ Secretary shall file in the ~~office~~ Office of the ~~secretary of state~~ Secretary of State a certificate stating that the party has completed its organization for the ensuing two years and has substantially complied with the provisions of this chapter.

(2) However, no ~~state~~ State committee shall be eligible to file a certificate of organization unless it has town committees organized in at least ~~15~~ 30 towns in this ~~state~~ State and county committees organized in at least seven counties by January 1 of the year of the general election.

(b) The certificate of organization shall set forth the names and mailing addresses of the officers and members of the ~~state~~ State committee, together with the counties which they represent. It shall also designate, in not more than three words, the name by which the party shall be identified on any Australian ballot and shall be accompanied by a copy of the notice calling the meeting.

(c) The ~~secretary of state~~ Secretary of State shall prescribe and furnish the

form to be used for this purpose.

(d) Upon receipt of a certificate of organization, the ~~secretary of state~~ Secretary of State promptly shall notify all persons who have registered with the ~~secretary of state~~ Secretary of State asking to be notified of such filings.

(e)(1) Within 10 days, the ~~secretary of state~~ Secretary of State shall accept a certificate of organization if it appears to be valid on its face or reject it if it is not.

(2) The ~~secretary of state~~ Secretary of State may reject a certificate of organization if the political or other name is not substantially different from the name of any organized political party.

(3) When a certificate is rejected, the ~~secretary of state~~ Secretary of State promptly shall notify the ~~chair~~ Chair and ~~secretary~~ Secretary of the ~~committee~~ Committee to inform them in writing of the reasons for rejection.

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

Sec. 9. 17 V.S.A. § 2314 is amended to read:

#### § 2314. OFFICERS REQUIRED

Every committee of a political party is required to elect a ~~chairman~~ chair, a vice ~~chairman~~ chair, a secretary, and a treasurer, ~~and an assistant treasurer~~, who need not be members of the committee at the time of their election, but who become members, with full voting rights, upon their election. A committee may also elect from among its members such other officers as it deems appropriate to its work.

Sec. 10. 17 V.S.A. § 2315 is amended to read:

#### § 2315. ~~ADOPTION OF RULES AND BYLAWS~~

~~Every committee of a political party is authorized to adopt rules and bylaws consistent with law. Every rule or bylaw may be amended by simple majority vote of those present and voting at any meeting of the committee, provided written notice of the proposed amendment is given to all committee members at least seven days prior to the meeting. All rules, bylaws, and amendments thereto shall be filed with the secretary of state, and the copies filed shall be the official copies. [Repealed.]~~

Sec. 11. 17 V.S.A. § 2317 is amended to read:

#### § 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY

No voter shall vote in the biennial town, county, or State caucus of more than one party in the same year, nor shall any voter simultaneously hold

membership on the committees of more than one political party.

Sec. 12. 17 V.S.A. § 2318 is amended to read:

§ 2318. ORGANIZATION OF MINOR POLITICAL PARTIES

A minor political party may organize in the manner set forth in this subchapter or in another manner which its members deem appropriate. Minor political parties shall comply with the filing requirements of sections 2307, 2311 to the extent applicable, and 2313 of this ~~title~~ chapter, except that they need not be organized in ~~15~~ 30 towns ~~or in seven counties~~. They shall also comply with the procedural requirements of sections 2303 through 2306 and 2313 of this title, but need not comply with other procedural requirements in sections 2301, 2302, 2308 through 2310, and 2312 of this title. Minor political parties shall also comply with sections 2314 through 2317 of this title.

Sec. 13. 17 V.S.A. § 2320 is amended to read:

§ 2320. ~~DELEGATES TO STATE PLATFORM CONVENTION~~

~~Delegates to the state platform convention shall be the members of the national committee, the state committee, and the county committees of the party, the chairmen of the town committees of the party, the nominees of the party for state officers, state senators, county officers, and representatives to the general assembly and certain other members of the party, not to exceed 12, if selected by the state committee of the party. Upon application of the chairman of the state committee of a party, the secretary of state shall deliver to him or her a duly certified roll of the nominees of that party for the several offices named in this section. The secretary of the state committee of the party shall make and certify a roll of the convention, made in accordance with this section, and none but certified delegates shall take part in the convention. [Repealed.]~~

Sec. 14. 17 V.S.A. § 2321 is amended to read:

§ 2321. REPRESENTATIVE DISTRICT COMMITTEE

The “representative district committee” of a party shall consist of those members of the town committee residing in a representative district, ~~as finally established by the legislative apportionment board~~. A representative district committee may encompass less than an entire town or may extend across town lines. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least five days written notice to all other members; thereafter, the committee shall meet at the call of the chair.

\* \* \* Nominations \* \* \*

Sec. 15. 17 V.S.A. § 2351 is amended to read:

§ 2351. PRIMARY ELECTION

A primary election shall be held on the ~~fourth~~ first Tuesday in August in each even-numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for ~~president and vice president~~ President and Vice President of the United States, their electors, and justices of the peace.

Sec. 16. 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 ~~from~~ for minor party candidates and independent candidates shall be filed no sooner than the ~~second~~ third Monday in ~~May~~ April and not later than 5:00 p.m. on the ~~second~~ third Thursday after the first Monday in ~~June~~ May preceding the primary election prescribed by section 2351 of this ~~title~~ 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. 17. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a)(1) In order to have votes counted for a write-in candidate under section 2587 of this title, not later than 5:00 p.m. on the Friday preceding the primary election, a write-in candidate shall file with the Secretary of State a form consenting to candidacy for office. The consent form shall set forth the name of the write-in candidate, the name of the office for which he or she consents to be a candidate, the candidate's town of residence, and his or her correct mailing address.

(2) The Secretary of State shall prepare and furnish forms for this purpose.

(b) A write-in candidate shall not qualify as a primary winner unless he or she:

(1) has complied with subsection (a) of this section; and

(2) receives at least ~~one-half~~ the same number of votes as the number of signatures required for his or her office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed

on the ballot, he or she may qualify as a primary winner.

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

Sec. 18. 17 V.S.A. § 2413 is amended to read:

§ 2413. NOMINATION OF JUSTICES OF THE PEACE

(a)(1) The party members in each town, on or before ~~the first Tuesday of August in each even numbered year~~ each primary election, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace.

(2)(A) The committee shall give notice of the caucus ~~as provided in subsection (d) of this section and the chairman~~ by posting notice at the office of the town clerk and two other public places in the town at least five days prior to the caucus.

(B) In addition, for towns with over 3,000 voters, the committee shall post this notice at least one day prior to the caucus:

(i)(I) in a newspaper of general circulation within the town; or

(II) on a nonpartisan electronic news media website that specializes in news of the State; and

(ii) on the municipality's website, if the municipality actively updates its website on a regular basis.

(3) The chair and secretary of the committee shall file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day following the primary election.

(b) If it does not hold a caucus as provided in subsection (a) of this section, the town committee shall meet and nominate candidates for justices of the peace as provided in sections 2381 through 2385 of this title. At least three days prior to this meeting, the town committee shall provide notice of the meeting by e-mailing or mailing committee members and by posting notice of the meeting in the office of the town clerk and in two other public places in the town.

(c) In any town in which a political party has not formally organized, any three members of the party who are voters in the town may call a caucus to nominate candidates for justice of the peace by giving notice as required in subsection ~~(d)~~(a) of this section. Upon meeting, the caucus shall first elect a ~~chairman~~ chair and a secretary. Thereafter the caucus shall nominate its candidates for justice of the peace, and cause its ~~chairman~~ chair and secretary

to file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day following the primary election.

~~(d) When a caucus is held to nominate candidates for justice of the peace, the town committee or other persons calling the caucus shall post the notice of caucus in at least three public places in the town, not less than seven days before the date of the caucus; in towns having a population of more than 1,000, they shall also publish the notice of caucus in a newspaper having general circulation in the town, not less than three days before the date of the caucus. [Repealed.]~~

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

Sec. 19. 17 V.S.A. § 2457 is amended to read:

§ 2457. WORKSHOPS AND INFORMATION FOR ELECTION OFFICIALS

(a) ~~The secretary of state~~ Secretary of State or his or her designee shall organize regional workshops for election officials, provide them with informational materials about the conduct of elections and recounts, and otherwise help them run elections in conformance with ~~state~~ State and federal law.

(b)(1) The regular presiding officer of each town or an assistant designated by the board of civil authority shall attend, at the town's expense, at least one of these election workshops every two years.

(2) Each town clerk shall file with the Secretary of State by December 31 of each even-numbered year a letter certifying compliance with this subsection.

(c)(1) The town clerk of each town shall provide the ~~secretary of state~~ Secretary of State with the names and addresses of all members of the board of civil authority and shall promptly notify the ~~secretary of state~~ Secretary of State of any changes in the list.

(2) The ~~secretary of state~~ Secretary of State shall invite all members of the boards of civil authority to the workshops and provide them with informational materials.

\* \* \* Standardized Ballots and Vote Tabulators \* \* \*

Sec. 20. 17 V.S.A. § 2362 is amended to read:

§ 2362. PRIMARY BALLOTS

(a) The ballots shall be prepared and furnished to the towns by the ~~secretary of state~~ Secretary of State and shall contain the names of all

candidates for nomination 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 ~~in the same format as is used for optical scan tabulator 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: To vote for a candidate whose name is printed on the ballot, mark a cross (X) or fill in the oval at the right of that person's name ~~and party designation~~. To vote for a candidate whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block. 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.

(b) Following the names of candidates printed on the ballot after the name of each office to be filled, shall be as many blank lines for write-in candidates as there are persons to be elected to that office. If no primary petition is filed for an office or for a candidate belonging to a party, the ballot shall contain the name of the office and blank lines for write-in candidates.

Sec. 21. 17 V.S.A. § 2363 is amended to read:

§ 2363. SEPARATE PARTY BALLOTS

(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 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) All voting machines used in primary elections shall be so equipped that the voter can cast his or her vote for candidates within one party only, and without disclosing the party for whose candidates he or she is casting his or her vote. [Repealed.]~~

Sec. 22. 17 V.S.A. § 2471 is amended to read:

§ 2471. GENERAL ELECTION BALLOT

(a)(1) 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.~~ The offices of President and Vice President of the United States, U.S. Senator, U.S. 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.

(2) The ballot shall be prepared at state expense under the direction of the ~~secretary of state~~ Secretary of State. The color of the ballot shall be determined by the ~~secretary of state~~ Secretary of State. The printing shall be black. Ballots shall be printed on index stock and configured to be readable by vote tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space.

\* \* \*

Sec. 23. 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."

(3) To the right of the party designation shall be an oval in which the voter may indicate his or her choice by making a cross (X) or filling in the oval if tabulators are being used.



(4) ~~No~~ A candidate's name shall not appear on the ballot more than once for any one office.

\* \* \*

~~(d) The ballot shall be printed in the same format as required for optical scan tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space. [Repealed.]~~

(e) When an article is to be voted on and the legislative body determines that the article is too long or unwieldy to show in full on the ballot, it shall be sufficient for the ballot to show the article by the number and title for that article as they were listed in the warning for the election. However, the complete article shall be posted in a conspicuous place within each voting booth.

Sec. 24. 17 V.S.A. § 2474 is amended to read:

§ 2474. CHOICE OF PARTY

(a)(1) A person nominated by any means for the same office by more than one political party may elect, not later than the ~~second~~ first Friday following the primary election ~~may elect~~, the party or parties in which the nominee will be a candidate. The nominee shall notify in writing the ~~secretary of state~~ Secretary of State or town clerk, as the case may be, of such choice, and only the party or parties which the nominee so elects shall be printed next to the nominee's name on the ballot.

(2) If the nominee does not notify the Secretary of State or the town clerk of his or her choice of party, the Secretary of State shall print on the ballot those parties next to the nominee's name by listing in this order:

(A) the major political party for which the nominee had his or her name printed on the ballot in the primary;

(B) any major political parties that nominated the nominee by the party committee, in the order in which the nominations were submitted to the Secretary of State;

(C) any major political parties for which the nominee received write-in votes, in an order from highest to lowest vote counts; and

(D) any minor political parties that nominated the nominee by party committee, in the order in which the nominations were submitted to the Secretary of State.

(b)(1) A candidate for ~~state or congressional~~ State office who is the

nominee of two or more political parties shall file with the ~~secretary of state~~ Secretary of State, not later than the ~~second~~ first Friday following the primary election, a statement designating for which party the votes cast for him or her shall be counted for the purposes of determining whether his or her designated party shall be a major political party. The party so designated shall be the first party to be printed immediately after the candidate's name on the ballot.

(2) If a candidate does not file the statement before the ~~second~~ first Friday following the primary, the ~~secretary of state~~ Secretary of State shall designate ~~by lot the party to be printed immediately after the candidate's name~~ the party for which the votes cast shall be counted as provided in subdivision (a)(2) of this section.

Sec. 25. 17 V.S.A. § 2478 is amended to read:

§ 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND  
FURNISHED

\* \* \*

~~(e) No voting shall occur in any general election which does not use printed ballots. [Repealed.]~~

Sec. 26. 17 V.S.A. § 2481 is added to read:

§ 2481. PRINTED BALLOTS REQUIRED

Except in the case of voice votes from the floor or voting at a floor meeting by paper ballot at a local election, no voting shall occur in any local, primary, or general election which does not use printed ballots.

Sec. 27. 17 V.S.A. chapter 51, subchapter 3 is amended to read:

~~Voting Machines~~ Vote Tabulators

~~§ 2491. POLITICAL SUBDIVISION MAY USE VOTING MACHINES~~

SUBDIVISIONS; VOTE TABULATORS

(a) ~~A town may~~ 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 at any annual or special meeting to employ electronic devices (“voting machines”) to require the political subdivision for which it is elected to use vote tabulators for the registering and counting of votes in subsequent elections. Voting machines may be used in combination with the paper ballots described in the preceding subchapter, so that each voter may choose whether to use a paper ballot or a voting machine to cast his or her vote, if the town so votes.

(b) A town with 1,000 or more registered voters as of December 31 in

even-numbered years shall use vote tabulators for the registering and counting of votes in subsequent 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.

\* \* \*

#### § 2493. RULES FOR USE OF ~~VOTING MACHINES~~ VOTE

##### TABULATORS; AUDITS

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

(1) All municipalities that have voted to use a ~~voting machine~~ vote tabulator shall use a uniform ~~voting machine~~ vote tabulator approved by the ~~secretary of state~~ Secretary of State.

(2) The ~~secretary of state~~ Secretary of State shall provide for the security of ~~voting machines~~ vote tabulators at all times. ~~Voting machines~~ Vote tabulators, not including the ballot box portion, shall be locked in a vault or a secure location at all times when not in use.

(3)(A) The ~~secretary of state may~~ Secretary of State shall conduct a random postelection audit of any polling place election results for a primary or general election within 30 days of the election.

(B) If the ~~secretary~~ Secretary determines that a random audit shall be conducted of the election results in a town or city, the town clerk shall direct two members of the board of civil authority to transport the ballot bags to the office of the ~~secretary of state~~ Secretary not later than 10:00 a.m. on the morning when the ~~secretary~~ Secretary has scheduled the audit.

(C) The ~~secretary~~ Secretary shall open the ballot bags and conduct the audit in the same manner as ballots are counted under sections 2581 through 2588 of this ~~title~~ chapter. The ~~secretary of state~~ Secretary shall

publicly announce the results of the audit as well as the results from the original return of the vote.

(D) If the ~~secretary~~ Secretary finds that the audit indicates that there was possible fraud in the count or return of votes, ~~the secretary~~ he or she shall refer the results to the ~~attorney general~~ Attorney General for possible prosecution.

~~(3)~~(4)(A) All ~~voting machines~~ vote tabulators shall be set to reject a ballot that contains an overvote and provide the voter the opportunity to 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 ~~voting machine~~ vote tabulator and count all races except any race that contains an overvote.

~~(4)~~(B) All ~~voting machines~~ vote tabulators shall be set not to reject undervotes.

(5) Establish a process for municipalities using ~~voting machines~~ vote tabulators, whereby markings on ballots that are unreadable by a ~~machine~~ vote tabulator may be transferred by a pair of election officials, who are not members of the same political party, to ballots that are readable by the ~~machine~~ vote tabulator.

(6) Establish a process for using vote tabulators in recounts.

(b) Each ~~voting machine~~ vote tabulator shall be tested using official ballots that are marked clearly as “test ballots” at least 10 days prior to an election.

(c) The same vote tabulator used in any local, primary, or general election shall not be used in a recount of that election.

(d) A vote tabulator shall be a stand-alone device that shall not be connected to any other device or connections such as wireless connections, cable connections, cellular telephones, or telephone lines.

(e) A municipality only may use a vote tabulator as provided in this title which registers and counts votes cast on paper ballots and which otherwise meets the requirements of this title. A municipality shall not use any type of voting machine on which a voter casts his or her vote.

#### § 2494. CONSTRUCTION WITH OTHER LAWS

(a) Except as this subchapter affects the method of registering votes and ascertaining the result, the laws of this ~~state~~ State pertaining to elections shall be applicable. The laws pertaining to early or absentee voters shall in no way be affected by this subchapter, and votes cast by early or absentee voters shall be counted with votes ~~registered~~ counted on ~~voting machines~~ vote tabulators.

(b) In towns using ~~voting machines~~ vote tabulators, the board of civil authority may vote to open polling places at 5:00 a.m., provided that at least three elections officials are present, two of whom are from different parties. If all early voter absentee ballots have not been deposited into the ~~voting machines~~ vote tabulators before the closing of the polls at 7:00 p.m., the elections officials shall continue to deposit ballots using the same procedure as provided in subsection 2561(b) of this title, treating each ballot as a voter waiting to cast his or her ballot at the close of the polls.

§ 2495. ~~FORM OF BALLOT~~

~~(a) In any town which uses voting machines at its elections, it shall be unnecessary for a question submitted to the voters to be shown in full upon the voting machine or the ballot. It shall be sufficient if the article in the warning for the meeting or election at which the question is submitted is referred to by number and title. However, the complete warning shall be posted in a conspicuous place within the voting booth.~~

~~(b) Notwithstanding section 2472 of this title, ballots to be counted by means of electronic or electromechanical devices may be of such size or composition as is suitable for the type of device used. [Repealed.]~~

§ 2499. ~~MISCELLANEOUS REQUIREMENTS FOR VOTING MACHINES~~  
TRANSFER OF PAPER BALLOTS FROM VOTE TABULATORS

The presiding officer, with the assistance of at least two election officials, may transfer voted ballots from the box attached to the ~~voting machine~~ vote tabulator to another secure ballot box or secured ballot bag whenever necessary during election day in order to allow the ~~machine~~ vote tabulator to continue to function properly.

Sec. 28. SECRETARY OF STATE; REPORT; USING VOTE  
TABULATORS IN RECOUNTS; CONDUCTING AUDITS;  
VOTING BY MAIL; USING ELECTRONIC SIGNATURES IN  
ELECTION PETITIONS

(a) The Secretary of State by January 15, 2015 shall report to the Senate and House Committees on Government Operations on:

(1) His or her proposed process for using vote tabulators in recounts and for the certification of vote tabulators. The Secretary shall consider whether and under what circumstances a town may be permitted to conduct a recount by counting ballots by hand in lieu of using vote tabulators.

(2) His or her proposed process for conducting audits of elections. The Secretary shall specifically consider the use of risk-limiting audits.

(3) Statistics regarding increased voter participation in other

jurisdictions which use voting by mail and the feasibility and cost of implementing voting by mail in this State.

(4) His or her proposed process for obtaining electronic signatures for municipal meeting articles, nominating municipal officers, and primary petitions.

(b) In considering the processes set forth in subdivisions (a)(1) and (2) of this section, the Secretary shall consult with stakeholders interested in those processes.

Sec. 29. 17 V.S.A. § 2535 is amended to read:

§ 2535. FORM OF EARLY VOTER ABSENTEE BALLOTS AND  
ENVELOPES; FEDERAL OR MILITARY REQUIREMENTS

\* \* \*

(b) If necessary, special ballots may be prepared ~~of such different weight of paper, or overall size and shape as shall be prescribed by the secretary of state,~~ to conform with minimum postal, military, naval, air force or other federal or military regulations and orders covering the transportation of such ballots, provided that the text is identical in substance, except as to type size, with that appearing on the official ballots.

Sec. 30. 17 V.S.A. § 2567 is amended to read:

§ 2567. ~~REGISTERING VOTES ON VOTING MACHINES~~ VOTING  
SYSTEMS FOR VOTERS WITH DISABILITIES

(a) ~~If a voter is to register his or her vote upon a voting machine, he or she shall proceed, immediately upon being admitted within the guardrail, to a voting machine not occupied by another voter. The voter shall then register his or her vote according to the instructions provided to voters with the machine. Upon leaving the voting machine, he or she shall proceed directly to the exit of the guardrail. [Repealed.]~~

(b) All polling places, ~~regardless of whether the municipality has voted to use a voting machine pursuant to section 2492 of this title,~~ shall possess at least one voting system approved by the ~~secretary of state~~ Secretary of State equipped for individuals with disabilities, including accessibility for ~~the people who are blind and visually impaired~~ people who have a visual impairment, to vote independently and privately.

Sec. 31. 17 V.S.A. § 2573 is amended to read:

§ 2573. NO COUNTING BEFORE POLLS CLOSE

In towns ~~using paper ballots~~ that do not use vote tabulators, the ballot boxes shall not be opened nor the ballots counted before the closing of the polls. In towns using ~~voting machines~~ vote tabulators, the ~~machine~~ tabulator counts shall not be viewed or printed before the closing of the polls.

Sec. 32. 17 V.S.A. § 2583 is amended to read:

§ 2583. OFFICIAL CHECKLIST TO BE TALLIED; STORAGE OF CHECKLIST

(a)(1) The presiding officer, as soon after the closing of the polls as possible, shall cause both certified checklists to be examined and the number of voters checked as having voted to be tallied. Both tallies shall be recorded by the presiding officer. The presiding officer shall prepare a statement listing any discrepancies between the checklists, including the names involved and other details relating to the discrepancies.

(2) ~~Each~~ Unless the board of civil authority votes not to use an exit checklist under section 2507 of this chapter, each checklist shall be identified as either the “entrance” or “exit” checklist, and the exit checklist, together with a statement of discrepancies, shall be sealed and stored with the ballots and tally sheets as provided in section 2590 of this ~~title~~ chapter. The entrance checklist shall be safely stored so that the public cannot have access to it for a period of 90 days except under the direct supervision of the town clerk.

(b) ~~If in the case of voting machines an exit checklist is not used, as provided by section 2496 of this title, read-out sheets and other machine materials which are used to provide equivalent security shall be sealed and stored with the ballots and tally sheets. [Repealed.]~~

Sec. 33. 17 V.S.A. § 2701 is amended to read:

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF BALLOT

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The ~~secretary of state~~ Secretary of State shall prepare and distribute for use at the primary an official ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

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

Sec. 34. 17 V.S.A. § 2502 is amended to read:

§ 2502. LOCATION OF POLLING PLACES

(a) Each polling place shall be located in a public place within the town.

(b) The board of civil authority shall take such measures as are necessary to assure that ~~elderly and handicapped~~ voters who are elders or have a disability may conveniently and secretly cast their votes. Measures which may be taken shall include, ~~but are not limited to~~: location of polling places on the ground floor of a building; providing ramps, elevators, or other facilities for access to the polling place; providing a stencil overlay for ballots; providing a separate polling place with direct communication to the main polling place; and permitting election officials to carry a ballot to ~~a handicapped or elderly~~ an elder or to a person who has a disability in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place. For purposes of this subsection, the board of civil authority shall have full jurisdiction on the day of an election over the premises at which a polling place is located.

(c)(1) Thirty days prior to a local, primary, or general election, the town clerk shall submit to the Secretary of State a list of polling places within the municipality that will be used in that election. The list shall include the name of the polling location, its physical address, and the time the polling place will open.

(2)(A) A municipality may only change the location of a polling place less than 30 days prior to an election in cases of emergency. If a municipality changes the location of a polling place less than 30 days prior to the election, the town clerk shall notify the Secretary of State within 24 hours of the change and provide the new polling place information.

(B) The Secretary of State shall assist any municipality that needs to change the location of a polling place on the day of an election due to an emergency, including assisting in finding a new location and informing the public of that new location.

(C) The Secretary of State shall inform the State chairs of Vermont's major political parties of any changes made to polling places that he or she is aware of made less than 30 days prior to an election.

(3) The Secretary of State shall provide on his or her official website a list of polling places that will be used in any local, primary, or general election within the State, and shall specifically provide notice on that website of any change in the location of a municipality's polling place.

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

Sec. 35. 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.

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

REQUEST FOR EARLY VOTER ABSENTEE BALLOT

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

Current address: \_\_\_\_\_

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

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

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: \_\_\_\_\_

~~(2)~~(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.

\* \* \*

(g)(1) Any person who applies for an early voter absentee ballot knowing it is without authorization from the early or absentee voter shall be fined not more than \$100.00 per violation for the first three violations; not more than \$500.00 per violation for the fourth through ninth violations; and not more than \$1,000.00 per violation for the tenth and subsequent violations.

(2) 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 provision, may conduct a civil investigation in accordance with the procedures set forth in section 2904 of this title.

Sec. 36. 17 V.S.A. § 2534 is amended to read:

§ 2534. LIST OF EARLY OR ABSENTEE VOTERS

(a) The Secretary of State shall maintain ballot for each primary election, presidential primary election, and general election. The list shall contain the

State voter identification number, name, registration address, address the ballot was mailed to, and legislative district of each voter.

~~(b) Upon receipt of the valid applications the town clerk shall make a list of the early or absentee voters. The list shall include each voter's name and address. A copy of the list shall be available upon request at the town clerk's office and, on election day, in each polling place in the town update the Secretary of State's statewide list of early or absentee voters by a method approved by the Secretary of State.~~

Sec. 37. 17 V.S.A. § 2546 is amended to read:

§ 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN  
BALLOT BOX

(a)(1)(A) No sooner 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 open the outside envelope in order to sort early voter absentee ballots by ward and district, may data enter the return of the ballots by the voter, may determine that the certificate has been signed, and may place the inside envelopes in various secure containers 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 ~~voting machine~~ 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.

(1) If the ballots are in a container marked "checked in early voter absentee ballots," two election officials from different political parties shall open the envelopes and deposit the ballots into the ballot box or into the ~~voting~~

~~machine~~ vote tabulator.

(2) If the ballots have not been previously checked off the entrance checklist and if an election official determines that the certificate on the envelope is 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, the election official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~ vote tabulator.

(3) If the early voter is a first-time voter who registered by mail, the election official 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 shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~ vote tabulator. 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.

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

Sec. 38. 17 V.S.A. § 2587 is amended to read:

§ 2587. RULES FOR COUNTING BALLOTS

\* \* \*

(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 no cross is placed after such name.

(2)(A) A vote for a write-in candidate shall not be counted unless the write-in candidate filed with the Secretary of State not later than 5:00 p.m. on the Friday preceding the general election a form consenting to candidacy for that office. The consent form shall set forth the name of the candidate, the name of the office for which he or she consents to be a candidate, the candidate’s town of residence, and his or her correct mailing address.

(B) The Secretary of State shall prepare and furnish forms for this purpose.

(3) The election officials counting ballots and tallying results ~~must~~ shall only list every person those write-in candidates who receives received a “write-in” vote and who complied with subdivision (2) of this subsection, and

the number of votes received.

(4) 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. ~~Names of fictitious persons shall not be listed.~~

\* \* \*

Sec. 39. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

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

(b) In towns that use vote ~~tabulating machines~~ tabulators, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the ~~machine~~ 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 additional copies of the tabulator tape. 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)(1) 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) 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) 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.

(d) 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 later than 24 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. 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. The original of the return shall be delivered to the town clerk. In a manner prescribed by the ~~secretary of state~~ Secretary of State and within 48 hours of the close of the polls, the town clerk shall deliver to the ~~secretary of state~~ 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. 40. 17 V.S.A. § 2593 is amended to read:

§ 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE  
CHECKLIST BY TOWN CLERK

Not later than 60 days after ~~the~~ a primary election, presidential primary, or general election, the town clerk shall indicate on the town or municipal checklist of the statewide checklist each voter's participation, participation method, and political party of ballot taken, if applicable, in the primary election, presidential primary, or general election by a method approved by the ~~secretary of state~~ Secretary of State.

\* \* \* Recounts \* \* \*

Sec. 41. 17 V.S.A. chapter 51, subchapter 9 is amended to read:

Subchapter 9. Recounts and Contest of Elections

§ 2601. RECOUNTS

(a) 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 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 an election for all other offices, 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 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.

§ 2602. PROCEDURE PETITIONS FOR RECOUNTS

(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.

(b) In the case of recounts other than specified in subsection (a) of this section, the following procedure shall apply. A petition for a recount shall be filed within 10 days after the election. The petition shall be filed with the ~~civil division of the superior court~~ Civil Division of the Superior Court, Washington County, in the case of candidates for ~~state~~ State or congressional office, or for a presidential election; the petition shall be filed with the ~~superior court~~ Superior Court in any county in which votes were cast for the office to be recounted, in the case of any other office. 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) ~~The superior court shall set an early date for the recount, notifying all candidates at least five days in advance~~ Superior Court shall forward a copy of the petition to the county clerk. ~~The court~~ Court shall order the town clerk or clerks having custody of the ballots to be recounted ~~to appoint two election officials who are not members of the same political party who shall~~ or their designees to transport them to the county clerks of their respective counties before the day set for the recount. County clerks shall store all ballots, still in their sealed containers, in their vaults until the day of the recount. ~~The court shall appoint a sufficient number of impartial voters as a committee to recount the votes.~~

\* \* \*

(i) The ~~secretary of state~~ Secretary of State shall bear the costs of recounts covered under this chapter.

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

(a)(1) Upon receipt of a petition, the county clerk shall notify the ~~chairpersons~~ 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 is the subject of the recount, advising them to submit immediately a list of 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~~ 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 ~~will be sent~~ a copy of the notice and requested to submit immediately a similar list of nominees for individuals to serve on a recount committee.

(5) If a list of nominees is not delivered to the county clerk with due speed, the clerk, before the judge sets the date for the recount, shall notify the appropriate candidates that they have 24 hours to submit lists of nominees for individuals to serve on the recount committee.

(b)(1) ~~The superior court~~ Superior Court shall set an early date for the recount, making appointments to the recount committee from among those nominated under this section. In making these appointments, ~~the court~~ Court shall appoint an equal number of persons from each party and from those persons representing an independent candidate.

(2) After making the appointments, ~~the court~~ Court shall notify all candidates of the recount date at least five days in advance. ~~The court shall order the town clerk or clerks having custody of the ballots to be recounted appoint two election officials who are not members of the same political party, who shall transport them to the appropriate county clerks before the day set for the recount.~~

#### § 2602b. ASSIGNMENT OF DUTIES

(a) The county clerk 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 to serve as impartial assistants to the county clerk for operating the vote tabulators. The county clerk shall store all ballots, still in 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.

(c) For each polling place, the number of containers shall be counted and

recorded on the master list.

(d) 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. Likewise, each seal shall be examined to see if it is intact, and the county clerk 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.

(e) 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) If there is more than one container from a polling place, the county clerk shall open first the container which is identified as containing the checklist. Upon opening the first container in the presence of the clerk observer team, the county clerk shall empty the contents onto the clerk's table. The county clerk 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.

#### § 2602d. EXAMINATION OF CHECKLISTS

\* \* \*

(d) 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 disagreement. If one or more team members do not agree with the number submitted, the county clerk 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.

#### § 2602e. SORTING OF BALLOTS

\* \* \*

(b) The teams, except the clerk observer team and possibly the team which is processing the checklists, shall proceed to their tables and each team shall get from the county clerk 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.

#### § 2602f. ~~FIRST TALLY~~ RECOUNT BY VOTE TABULATOR

(a)(1) ~~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~~ Vote tabulator-readable ballots from each pile shall be fed 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.

(3) This process shall be used until all ballots from a polling place have been tabulated by a vote tabulator.

(b) After all ballots from a polling place have been tabulated by a vote tabulator, a recount team shall print the tabulator tape containing the unofficial results and document those results on a tally sheet. 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. ~~Such~~ 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~~ 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.

\* \* \*

#### § 2602h. COMPLETING THE TALLY

(a) After the totals for a polling place have been listed, the county clerk shall add them up in the presence of the clerk 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 county clerk shall note the amount of the difference on the summary sheets for that polling place.

(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 send the summary sheets for all polling places together with the master list and any questionable ballots to the court by certified mail, return receipt requested, or shall certify the results to the judge.

#### § 2602i. COSTS

Recount committee members and assistants designated by the county clerk shall be paid by the ~~state~~ State at the same per diem and mileage rates and according to the same procedures by which jurors are paid. These and other necessary expenses, as approved by the court, shall be paid by the ~~state~~ State through the ~~court administrator’s office~~ Court Administrator’s Office. The ~~secretary of state~~ Secretary of State shall reimburse the ~~court administrator’s office~~ Court Administrator’s Office.

#### § 2602j. OTHER RULES FOR CONDUCTING THE RECOUNT

(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.

(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.

\* \* \*

#### § 2602k. AFTER THE RECOUNT

\* \* \*

(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 state police respective town clerks or their designees shall transport the ballots to the towns from which they came.

\* \* \*

#### Sec. 42. REPEAL

17 V.S.A. §§ 2492 (legislative branch to obtain voting machines), 2602g (second tally), and 2602l (recounts using voting machines) are repealed.

\* \* \* Vacancies \* \* \*

Sec. 43. 17 V.S.A. § 2623 is amended to read:

#### § 2623. VACANCIES IN OFFICES WITHIN THIS STATE

(a) In the event of a vacancy in any ~~state~~ State, county, or legislative office, the ~~governor~~ Governor may request the political party or parties of the person whose death or resignation created the vacancy to submit one or more recommendations as to a successor. The proper committee to which a request for recommendation shall be directed shall be:

\* \* \*

\* \* \* Local Elections \* \* \*

Sec. 44. 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 ~~town~~ 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.

\* \* \*

Sec. 45. 17 V.S.A. § 2642 is amended to read:

§ 2642. WARNING AND NOTICE CONTENTS

(a)(1) The warning shall include the date and time of the election, location of the polling place or places, and the nature of the meeting or election.

(2) It shall, by separate articles, specifically indicate the business to be transacted, to include the offices and the questions to be voted upon.

(3)(A) The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than ~~40~~ 45 days before the day of the meeting.

(B) The clerk receiving the petitions shall immediately proceed to examine them to ascertain whether they conform to the provisions of this subchapter. If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt, he or she shall return it to the petitioners. In this case, supplementary petitions may be filed not later than 48 hours after the petition was returned to the petitioners by the clerk. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) of this subdivision (3) were not filed by the filing deadline.

(b) The posted notice that accompanies the warning shall include information on voter registration, information on early or absentee voting where applicable, and other appropriate information.

Sec. 46. 17 V.S.A. § 2643 is amended to read:

§ 2643. SPECIAL MEETINGS

(a) The legislative body may warn a special municipal meeting when they deem it necessary and shall call a special meeting on the application of five percent of the voters. A special meeting shall be ~~called~~ warned within 15 days of receipt of the application by the ~~legislative body~~ town clerk.

~~(b) Special meetings shall, when the municipality so votes and until it votes otherwise, start at 7:30 p.m. on the day before the day when the polls are to be opened for voting by ballot. If so convened, all business to be done from the floor at the special meeting may be transacted on that preceding day. At the close of the business, the meeting shall adjourn to the following day for voting by ballot. [Repealed.]~~

(c) The legislative body may rescind the call of a special meeting called by them but not a special meeting called on application of five percent of the voters.

Sec. 47. 17 V.S.A. § 2646 is amended to read:

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its ~~legally qualified~~ registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

\* \* \*

Sec. 48. 17 V.S.A. § 2660 is amended to read:

§ 2660. CONDUCT OF ELECTION

(a) When voting is at a floor meeting by paper ballot, the polls shall be kept open a reasonable time and reasonable notice shall be given before they close.

(b) When election is by ballot, a majority of all votes cast for any office shall be required for an election, unless otherwise provided by law; provided that when there is but one nominee for an office, unless objection is made, the legal voters may vote to instruct the town clerk to cast one ballot for such nominee and upon such ballot being cast he or she shall be declared elected.

\* \* \*

Sec. 49. 17 V.S.A. § 2661 is amended to read:

§ 2661. RECONSIDERATION OR RESCISSION OF VOTE

(a) A warned article voted on at an annual or special meeting of a municipality shall not be submitted to the voters for reconsideration or rescission at the same meeting after the assembly has begun consideration of another article. If the voters have begun consideration of another article, the original article may only be submitted to the voters at a subsequent annual or special meeting duly warned for the purpose and called by the legislative body on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section. A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended.

\* \* \*

(f) A municipality shall not reconsider a vote to elect a local officer.

Sec. 50. 17 V.S.A. § 2681 is amended to read:

§ 2681. NOMINATIONS; PETITIONS; CONSENTS

(a)(1) 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 later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline.

(2) The candidate shall also file a written consent to the printing of the candidate's name on the ballot, ~~no later than 5:00 p.m. on the Wednesday after the filing deadline~~ 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.

(b) A petition shall contain at least 30 valid signatures of voters of the municipality or one percent of the legal voters of the municipality, whichever is less. The candidate, prior to circulating his or her petitions, shall print on them his or her name as it appears on the voter checklist and shall indicate clearly on them which office he or she is seeking. If there are different lengths of term available for an office the candidate must indicate clearly the length of term as well.

\* \* \*

Sec. 51. 17 V.S.A. § 2681a is amended to read:

§ 2681a. LOCAL ELECTION BALLOTS

\* \* \*

(b)(1) On the local election ballot, the candidate's name shall appear as provided in his or her consent form.

(2) The board of civil authority may vote to list a street address for each candidate, or the town of residence of each candidate, or no residence at all for each candidate.

\* \* \*

Sec. 52. 17 V.S.A. § 2682 is amended to read:

§ 2682. PROCESS OF VOTING; APPOINTMENTS

(a) Election expenses shall be assumed by the municipality.

(b) Returns shall be filed with the town clerk.

(c) In a municipal election controlled by this subchapter, the person receiving the greatest number of votes for an office shall be declared elected to that office; and a certificate of election need not be issued. ~~However, in order to be elected a write-in candidate must receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.~~

(d) In the event no person files a petition for an office which is to be filled at the annual or special meeting of a municipality, and if no person is otherwise elected to fill the office, a majority of the legislative body of the municipality may appoint a voter of the municipality to fill the office until the next annual meeting.

~~(e) If there is a tie vote for any office, the legislative body, or in its stead, the municipal clerk, shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election. [Repealed.]~~

(f) When the same number of persons are nominated for any town office as there are positions to be filled, the presiding officer may declare the whole slate of candidates elected without making individual tallies, provided each person on the slate has more votes than the largest number of write-in votes for any one write-in candidate.

Sec. 53. 17 V.S.A. § 2682a is added to read:

§ 2682a. WRITE-IN CANDIDATES

Notwithstanding the provisions of section 2682 of this subchapter, in order to be elected, a write-in candidate shall:

(1) Receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.

(2) File with the town clerk or the presiding officer before the close of the polls on the day of the election a form consenting to candidacy for office. The consent form shall set forth the name of the candidate and the name of the office for which he or she consents to be a candidate. The town clerk shall prepare and furnish forms for this purpose.

Sec. 54. 17 V.S.A. § 2682b is added to read:

§ 2682b. TIE VOTES FOR LOCAL OFFICE

If there is a tie vote for any office, the legislative body or, in its stead, the municipal clerk shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election.

Sec. 55. 17 V.S.A. § 2683 is amended to read:

§ 2683. ~~RECOUNTS~~ REQUEST FOR A RECOUNT; CANDIDATES

(a) A candidate for local office may request a recount by filing a request 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 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. 56. 17 V.S.A. § 2685 is amended to read:

§ 2685. ~~INSPECTION OF BALLOTS~~ CONDUCT OF RECOUNT

(a) 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, unless the candidate who petitions for a recount requests that the recount be conducted by ~~optical scanner~~ vote tabulator, in which case the recount shall be conducted by the presiding officer and board of civil authority pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable.

(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 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. 57. 17 V.S.A. § 2685a is added 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) The presiding officer shall supervise the recount.

(3) 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. 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.

(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.

(b) Preparation for recount.

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

(2) The recount teams established 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.

(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.

(e) First tally.

(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 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.

(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) Write-in votes for preprinted candidates shall be counted as votes 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.

(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.

(h) Other rules for conducting the recount.

(1) The presiding officer shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the

presiding officer may cause the person to be removed from the premises.

(2) The presiding officer 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 shall not be permitted within the area designated by the presiding officer.

(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 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.

(B) If the recount confirms a tie, as to any public question, no recessed election shall 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.

Sec. 58. 17 V.S.A. § 2688 is amended to read:

§ 2688. RECOUNT ON QUESTION SUBMITTED

(a) A registered voter or, in the case of a union school district, at least one registered voter from each member of the union district may demand a recount of ballots on any question submitted to the vote of a town the municipality using the Australian ballot system, if the margin by which the question passed or failed is less than five percent of the total votes cast on the question.

(b) The request shall be filed with the municipal clerk within 10 days after the vote. The procedure shall be the same as in the case of recount of the votes cast for a candidate at an election.

(c) The petitioner and his or her designated representative and a voter representing the other side of the question voted upon and his or her designated representative may inspect the vote and observe the recount under the guidance of the board of civil authority.

\* \* \* Presidential Elections \* \* \*

Sec. 59. 17 V.S.A. § 2716 is amended to read:

§ 2716. NOTIFICATION TO SECRETARY OF STATE

Not later than 5:00 p.m. on the ~~47<sup>th</sup>~~ 55<sup>th</sup> day before the day of the general election, the ~~chairman~~ Chair of the ~~state committee~~ State Committee of each major political party shall certify in writing to the ~~secretary of state~~ Secretary of State the names of the presidential and vice presidential nominees selected at the party's national convention.

\* \* \* Warning Requirements in Newspapers \* \* \*

Sec. 60. 17 V.S.A. § 1840 is amended to read:

§ 1840. INTERIM PUBLICATION

Within 90 days following adjournment without day of any session of the ~~general assembly~~ General Assembly in which articles of amendment to the ~~constitution~~ Constitution have been proposed by the ~~senate~~ Senate and concurred in by the ~~house~~ House, the ~~secretary of state~~ Secretary of State shall prepare copies of the proposal or proposals of amendment and forward them, with a summary of proposed changes, for publication ~~to the principal daily in at least two newspapers published having general circulation in the state~~ in at least two newspapers published having general circulation in the State, as determined by the ~~secretary of state; and the~~ Secretary of State. The proposal or proposals shall be so published once each week for three successive weeks in each of the papers at the expense of the ~~state~~ State and on the websites of the General Assembly and the Office of the Secretary of State.

Sec. 61. 17 V.S.A. § 1844 is amended to read:

§ 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;  
BALLOTS

(a) The ~~secretary of state~~ Secretary of State shall between September 25 and October 1 in any year in which a vote on ratification of an article of amendment is taken, prepare copies of the proposal of amendment and forward them, with a summary of proposed changes, for publication ~~to the principal daily in at least two newspapers published having general circulation in the~~

~~state~~ State, as determined by the ~~secretary of state~~; and the Secretary of State. The proposal shall be so published once each week for three successive weeks in each of the papers at the expense of the state State and on the websites of the General Assembly and the Office of the Secretary of State. ~~He or she~~

(b) The Secretary of State shall cause ballots to be prepared for a vote by the freemen and freewomen upon the proposal of amendment.

Sec. 62. 17 V.S.A. § 2302 is amended to read:

§ 2302. STATE ~~CHAIRMAN~~ CHAIR TO CALL CAUCUS

(a) The ~~chairman~~ chair of the state committee of a party shall set a date for members of the party to meet in caucus in their respective towns, which date shall be between September 10 and September 30, inclusive, in each odd numbered year.

(b) At least 14 days before the date set for the caucuses, the ~~state chairman~~ State Chair shall mail or electronically mail a notice of the date and purpose of the caucuses to each town clerk and to each town ~~chairman~~ and county chair of the party, and shall cause the notice to be published in at least two newspapers having general circulation within the state.

Sec. 63. 17 V.S.A. § 2303 is amended to read:

§ 2303. TOWN ~~CHAIRMAN~~ CHAIR TO GIVE NOTICE

(a) The town ~~chairman~~ chair or, if unavailable, or if the records of the ~~secretary of state~~ Secretary of State show there is no ~~chairman~~ chair, any three voters of the town, shall arrange to hold a caucus on the day designated by the ~~state chairman~~ 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 ~~chairman~~ 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 ~~1,000~~ 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.

(c) If three voters arrange to call the caucus, the voters shall designate one of their number to perform the duties prescribed above for the town ~~chairman~~ chair.

Sec. 64. 17 V.S.A. § 2309 is amended to read:

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

(a)(1) The ~~chairman~~ Chair of the ~~state committee~~ State Committee shall set a date, not more than ~~30~~ 45 days after the date of the party's caucuses, for the first meeting of each county committee.

(2) The ~~state chairman~~ State Chair shall notify the ~~chairmen~~ chairs of the county committees of the date of the meeting ~~and shall publish notice in at least two newspapers with general circulation within the state.~~

(3) The ~~chairman~~ chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail or electronic mail not less than 10 days prior to the meeting. If the chair of the county committee receives notice that a town within the county has organized 10 or fewer days before the date of the first meeting of the county committee, the chair must notify the newly elected members within 48 hours of receiving notice of the organized town.

(b) At the time and place set for the meeting, the delegates shall proceed to elect their officers and perfect an organization for the ensuing two years. All officers and other members of the county committee and all delegates to the ~~state committee~~ State Committee shall be voters of the county.

Sec. 65. 17 V.S.A. § 2641 is amended to read:

§ 2641. WARNING AND NOTICE REQUIRED; PUBLICATION OF WARNINGS

(a) The legislative body of a municipality shall warn a meeting by posting a warning and notice in at least two public places in the ~~town~~ municipality, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a ~~town~~ municipality has more than one polling place and the polling places are not all in the same building, 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.

(b) In addition, the warning shall be published in a newspaper of general circulation in the municipality at least five days before the meeting, unless the warning is published in the town report, ~~or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting and~~ distributed as provided in 24 V.S.A. § 1682. The legislative body annually shall designate the paper in which such a warning may be published. The warning shall also be posted on the municipality's website, if the municipality actively updates its website on a regular basis.

(c) No such warning shall be required for municipal informational meetings at which no voting is to take place.



\* \* \* Lobbyists \* \* \*

Sec. 66. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS;  
EMPLOYERS; LOBBYISTS

\* \* \*

(b) An employer shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the employer in each of the following categories:

(A) ~~advertising~~ Advertising, including television, radio, print, and electronic media;

(B) ~~expenses~~ Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity;

(C) ~~contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D) the~~ The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to lobbyists or lobbying firms for lobbying. The employer shall report the name and address of each lobbyist or lobbying firm to which the employer pays compensation. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist or lobbying firm whose activities under this chapter are incidental to regular employment or other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the employer to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the

employer shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse; or

(C) a legislator's or administrator's dependent household member.

(c) A lobbyist shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the lobbyist in each of the following categories:

(A) ~~advertising~~ Advertising, including television, radio, print, and electronic media;

(B) ~~expenses~~ Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity;

~~(C) contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D) the~~ The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbyist, who is not employed by, subcontracted by, or affiliated with a lobbying firm, for lobbying, including the name and address of each registered employer who engaged the services of the lobbyist reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist whose activities under this

chapter are incidental to other responsibilities to the employer. A lobbyist who is employed by, subcontracted by, or affiliated with a lobbying firm shall not report individual compensation. The total compensation paid to the lobbying firm shall be reported pursuant to section 264b of this title.

(3) An itemized list of every gift, the value of which is greater than \$15.00, made by or on behalf of a lobbyist to or at the request of one or more legislators or administrative officials or a member of the legislator's or administrative official's immediate family. With respect to each gift, the lobbyist shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse; or

(C) a legislator's or administrator's dependent household member.

\* \* \*

(h) Disclosure reports shall be made on forms published by the ~~secretary of state~~ Secretary of State and shall be signed by the employer or lobbyist. The ~~secretary of state~~ Secretary of State shall ~~mail~~ make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline.

\* \* \*

Sec. 67. 2 V.S.A. § 264b is amended to read:

§ 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS; LOBBYING FIRMS

\* \* \*

(b) Every lobbying firm shall file a disclosure report on the same day as lobbyist disclosure reports are due under subsection 264(a) of this title which shall include:

(1) A total of all lobbying expenditures made by the lobbying firm in each of the following categories:

(A) ~~advertising~~ Advertising, including television, radio, print, and electronic media;

(B) ~~expenses~~ Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity;.

(C) ~~contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D) the~~ The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbying firm for lobbying with the name and address of each registered employer who engaged the services of the lobbying firm reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbying firm whose activities under this chapter are incidental to other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the lobbying firm to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the lobbying firm shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse or civil union partner; or

(C) a legislator's or administrator's dependent household member.

\* \* \* Correction of Cross-References and Other Technical Corrections \* \* \*

Sec. 68. 17 V.S.A. § 1881a is amended to read:

§ 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION

\* \* \*

(c) Petitions for nominating candidates for ~~senator~~ Senator in the ~~general assembly~~ General Assembly by primary ~~under chapter 9 of this title~~ or by certificates of nomination of candidates for that office by convention, caucus, committee, or voters under chapter ~~44~~ 49 of this title may be filed in the office of any county clerk in a senatorial district. On the day after the last day for filing those petitions or certificates for that office, the other county clerk shall notify the senatorial district clerk of the facts concerning those petitions or certificates. The senatorial district clerk shall be responsible for determining the names of candidates and other facts required by law to appear on the ballot for the office of senator, and for obtaining and distributing the ballots to the other clerks in the district. In senatorial districts, the ballots for senator in the ~~general assembly~~ General Assembly shall be separate from those for other county officers.

\* \* \*

Sec. 69. 17 V.S.A. § 2369 is amended to read:

§ 2369. DETERMINING WINNER; TIE VOTES

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

(b) If 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) ~~Upon five days notice and not later than 10 days following the primary election, the state committee~~ State Committee of a party; for a ~~state~~ State or congressional office;

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

(3) the county committee for county office; or

(4) the representative district committee for a representative to the ~~general assembly shall meet to nominate a candidate from among the tied candidates~~ General Assembly.

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

Sec. 70. 17 V.S.A. § 2565 is amended to read:

§ 2565. DELIVERY OF BALLOTS

As each voter passes through the entrance of the guardrail, an election official or officials shall hand him or her one of each kind of ballot. ~~He or they~~ The election officials shall also answer any questions a voter may ask concerning the process of voting. The presiding officer shall keep the election officials in charge of furnishing ballots to voters supplied with a sufficient number of blank ballots, keeping the remainder of the blank ballots safely secured until needed.

\* \* \* Gender Neutrality \* \* \*

Sec. 71. STATUTORY REVISION; GENDER NEUTRALITY; “CHAIR,”  
“SELECTBOARD MEMBER,” ETC.

The Office of Legislative Council, in its statutory revision capacity, is directed to make amendments to the cumulative supplements of the Vermont Statutes Annotated to change the terms “chairman” to “chair”; “vice chairman” to “vice chair”; and “selectman” to “selectboard member” and to make similar changes for the purpose of gender neutrality, so long as those changes have no other effect on the meaning of the statutes in which the changes are made. These changes shall also be made when new legislation is proposed or when there is a republication of the Vermont Statutes Annotated.

\* \* \* Use of “Town” vs. “Municipality” or “Political Subdivision” \* \* \*

Sec. 72. TOWN VS. MUNICIPALITY OR POLITICAL SUBDIVISION

The Office of Legislative Council is directed to search the statutes within Title 17 of the Vermont Statutes Annotated for the use of the word “town” and, in consultation with the Office of the Secretary of State, prepare on or before November 15, 2014 a draft bill that would replace the word “town” with the word “municipality” or with the term “political subdivision” where the context of a statute is meant to include or should apply to a political subdivision of the State other than a town, as that term is defined in 17 V.S.A. § 2103.

\* \* \* 2014 Primary Election Petitions \* \* \*

Sec. 73. 2014 PRIMARY ELECTION PETITIONS

Notwithstanding the provisions of Sec. 15 of this act, 17 V.S.A. § 2351 (primary election), that change the date of the primary election, for the 2014 primary election, the Secretary of State shall accept primary petitions set forth in 17 V.S.A. § 2353 (petitions to place names on ballot) that list the date of the primary election that was in effect immediately prior to the effective date of Sec. 15 of this act, 17 V.S.A. § 2351, but otherwise conform to the provisions

of 17 V.S.A. § 2353.

\* \* \* Effective Dates \* \* \*

Sec. 74. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except:

(1) the following sections shall take effect on passage:

(A) this section;

(B) Sec. 15, 17 V.S.A. § 2351 (primary election);

(C) Sec. 16, 17 V.S.A. § 2356 (time for filing petitions and statements of nomination);

(D) Sec. 18, 17 V.S.A. § 2413 (nomination of justices of the peace);

(E) Sec. 53, 17 V.S.A. § 2682a (local elections; write-in candidates);  
and

(F) Sec. 73 (2014 primary election petitions);

(2) Secs. 36, 17 V.S.A. § 2534 (list of early or absentee voters), and 40, 17 V.S.A. § 2593 (participation to be entered on statewide checklist by town clerk), shall take effect on July 1, 2015; and

(3) Sec. 27, 17 V.S.A. § 2941(b) (political subdivisions; vote tabulators; town requirement to use vote tabulators) shall take effect on July 1, 2016.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to election laws and to lobbyist reporting”.

**(Committee vote: 11-0-0 )**

**Amendment to be offered by Reps. Martin of Wolcott, Cole of Burlington, Consejo of Sheldon, Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of Milton, Lewis of Berlin, Mook of Bennington, Sweaney of Windsor, and Townsend of South Burlington to the recommendation of amendment of the Committee on Government Operations to S. 86**

\* \* \* Offenses Against the Purity of Elections \* \* \*

Sec. 1. 17 V.S.A. chapter 35 is amended to read:

Subchapter 1. Penalties Upon Officers

§ 1931. PRESIDING OFFICER RECEIVING ILLEGAL VOTE

A presiding officer in a ~~town, village, or school district meeting or in a~~

local, primary, or general election who knowingly receives and counts a vote from a person not a qualified voter or knowingly receives from a voter, at any one balloting for the same office, more than one vote; shall be fined not more than \$100.00 if the offense is committed in a ~~town, village, or school district meeting~~, local election and not more than \$500.00 if in a primary or general election.

§ 1932. COUNTING BALLOTS AND ~~TURNING~~ OPENING BALLOT BOXES BEFORE PROPER TIME

A presiding officer at a primary or general election; who allows the ballots for representative to the ~~general assembly~~ General Assembly, state or State, county, or congressional officers to be counted or, except as provided in section 2499 of this title, the ballot box containing the same to be ~~turned~~ opened before the ~~hour set by the legislative branch for closing of~~ the polls shall be fined not more than ~~\$100.00~~ \$200.00 nor less than \$20.00.

§ 1933. NONPERFORMANCE OF DUTY BY PUBLIC OFFICER

~~A~~ Except as otherwise provided by this title, a public officer upon whom a duty is imposed by the provisions of this title; who ~~wilfully~~ willfully neglects to perform such duty or who ~~wilfully~~ willfully performs it in such a way as to hinder the object of the provisions of this title; shall be fined not more than \$500.00; ~~but the provisions of this section shall not apply to a public officer upon whom a duty is imposed by the provisions of chapter 9, section 571 of chapter 11, and chapter 13 of this title, the nonperformance of which is an offense under either of such chapters.~~

Subchapter 2. Penalties Upon Voters

§ 1971. CASTING MORE THAN ONE BALLOT

A legal voter who knowingly casts more than one ballot at any one time of balloting for the same office shall be fined not more than \$1,000.00; if the offense is committed at a primary or general election; and not more than \$100.00; if committed ~~in town meeting~~ at a local election.

§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

(a) A voter who, except in cases of assistance as provided in this title, allows his or her ballot to be seen by another person with an apparent intention of letting it be known how he or she is about to vote or makes a false statement to the presiding officer at an election as to his or her inability to mark his or her ballot or places a distinguishing mark on his or her ballot; or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined \$1,000.00.



(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.

§ 1973. VOTING IN MORE THAN ONE PLACE

A person who, on the same day, votes in more than one town, district, or ward for the same office shall be fined not more than \$1,000.00.

§ 1974. VOTER OMITTED FROM LIST, VOTING IN ANOTHER ~~TOWN~~  
POLITICAL SUBDIVISION

A person who is a resident and entitled to vote in a ~~town~~ political subdivision in which a checklist of voters has been made previous to an election, whose name, through his or her neglect, is not entered thereon, who votes in another ~~town~~ political subdivision at such election, shall be fined not more than \$200.00.

Subchapter 3. Miscellaneous

§ 2011. PERJURY BEFORE BOARD MAKING CHECKLIST

A person who knowingly swears falsely to a fact or matter which may be the subject of inquiry by the board of civil authority or town clerk in revising the checklist as provided in this title shall be guilty of perjury and imprisoned not more than 15 years ~~and or~~ or fined not more than \$1,000.00, or both.

§ 2012. PROCURING CHANGE IN LIST WRONGFULLY

A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a checklist of voters, knowing such person not to be a voter in the ~~town~~ political subdivision for which such list is made or, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be erased from such list, knowing him or her to be a legal voter in such ~~town~~ political subdivision, shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2013. FALSE ANSWER AS TO RIGHT TO VOTE

A person who knowingly gives a false answer or information to the presiding officer at a local, primary, or general election or to the authority present to decide upon the qualifications of voters, touching a person's right to vote at such election, shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2014. UNQUALIFIED PERSON VOTING

A person, knowing that he or she is not a qualified voter, who votes at a ~~town, village, or school district meeting or a~~ local, primary, or general election for an officer to be elected at ~~such meeting or that~~ election shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2015. FRAUDULENT VOTING

A person who personates another, living or dead, and gives or offers to give a vote in the name of ~~such~~ that other person or gives or offers to give a vote under a fictitious name at a ~~town, village, or school district meeting or a~~ local, primary, or general election; for an officer to be elected at ~~such meeting or that~~ election; shall be imprisoned not more than one year or fined not more than ~~\$100.00~~ \$200.00, or both.

§ 2016. AIDING UNQUALIFIED VOTER TO VOTE

A person who ~~willfully~~ willfully aids or abets a person who is not a duly qualified voter in voting or attempting to vote at a local, primary, or general election shall be fined not more than ~~\$100.00~~ \$200.00.

§ 2017. UNDUE INFLUENCE

A person who attempts by bribery, threats, or any undue influence to dictate, control, or alter the vote of a freeman or freewoman about to be given at a local, primary, or general election shall be fined not more than \$200.00.

~~§ 2018. USING INTOXICATING LIQUOR TO INFLUENCE VOTES~~

~~A person who, directly or indirectly, gives intoxicating liquor to a freeman with intent to influence his or her vote at an election specified in section 2017 of this title or as a reward for voting as previously directed, shall be fined not more than \$200.00. [Repealed.]~~

§ 2019. DESTROYING LISTS; HINDERING VOTING

A person who, prior to ~~an~~ a local, primary, or general election, willfully defaces or destroys any list of candidates posted in accordance with law or, during ~~an~~ that election, willfully defaces, tears down, removes, or destroys any card posted for the instruction of voters or, during ~~an~~ that election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his or her ballot or willfully hinders the voting of others; shall be fined ~~\$50.00~~ \$200.00.

~~§ 2020. OFFENSES APPLYING TO PRIMARY ELECTIONS~~

~~The provisions of sections 1972-1974 and 2011-2019 of this title shall apply to primary elections held under the provisions of chapter 9 of this title and the word "officer" or "officers," when used in any of such sections to designate a person or persons to be voted for at an election, shall include a candidate or candidates for nomination by primary election. [Repealed.]~~

~~§ 2021. DESTROYING CERTIFICATES OF NOMINATION~~

DESTRUCTION OF OR FRAUDULENT ACTS PERTAINING TO

PRIMARY ELECTION DOCUMENTS; ALTERATION OR  
DELAY OF BALLOTS

A person who falsely makes or willfully defaces or destroys a primary petition, certificate of nomination, or nomination paper or any part thereof, or any letter of assent or of withdrawal, or who files a primary petition, a certificate of nomination, nomination paper, letter of assent, or letter of withdrawal; knowing the same or any part thereof to be falsely made, or who suppresses a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal or any part thereof; which has been filed, or forges or falsely makes the official ~~indorsement~~ endorsement upon a ballot to be used at a primary or at an election or willfully destroys or defaces such a ballot or willfully delays the delivery of such ballots; shall be fined ~~\$100.00~~ \$200.00.

\* \* \* 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:

\* \* \*

(4) “Australian ballot system” means the technique of having the polls open for voting on specified and warned matters during a warned, extended period which may be during or after a municipal meeting, or both. An “Australian ballot” means a uniformly printed ballot, typically confined to the secret vote election of specified offices as previously warned to be voted upon by the Australian ballot system. The term “Australian ballot” includes any ~~voting machines~~ ballots counted by a vote tabulator approved for use in any election ~~so~~ conducted in the ~~state~~ State.

\* \* \*

(24) “Political subdivision” means any county, municipality (including cities, towns, and villages), representative district, senatorial district, school district, fire district, water, sewer or utility district, ward, and any consolidation of the foregoing entities authorized under the laws of this ~~state~~ State.

\* \* \*

(35) “Town clerk” means a town officer elected pursuant to ~~24 V.S.A. § 712(2)~~ section 2646 of this title or otherwise elected or appointed by law and performing those duties prescribed by 24 V.S.A. chapter 35.

\* \* \*

(41) “Voter registration agency” or “agency” means all state offices that provide public assistance, all state offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, any federal and nongovernmental offices that have agreed to be designated by the ~~secretary~~ Secretary as a voter registration agency, and any state or local agency designated by the ~~secretary~~ Secretary as a voter registration agency. State and local agencies designated by the ~~secretary~~ Secretary may include: ~~the departments of taxes and unemployment compensation,~~ Departments of Taxes and of Labor and offices that provide services to persons with disabilities other than those that provide state-funded programs primarily engaged in providing services to persons with disabilities.

\* \* \*

(43) “Vote tabulator” means a machine that registers and counts paper ballots and includes optical scan tabulators.

\* \* \* Revisions of Checklists and Voter Registration \* \* \*

Sec. 3. 17 V.S.A. chapter 43, subchapter 2 is amended to read:

#### Subchapter 2. Registration of Voters

#### § 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 to vote to be posted in two or more public places in the ~~town~~ municipality in addition to being posted at the town clerk’s office; however, in a ~~town~~ municipality having a population of less than 5,000 qualified voters, only one checklist in addition to the one posted in the town clerk’s office need be posted.

(b) Upon the checklist shall be stated against the name of each voter, if possible, the street and number of each voter’s residence, and otherwise the mailing address of each voter’s residence. ~~The town clerk shall make available a copy of the list, together with lists of corrections and additions when made, to the chair of each political party in the town, upon request, free of charge. Additions or amendments to the checklist may be attached to the checklist by means of a separate list. Copies of the list shall be made available to other persons at cost, and~~

(c) The town clerk shall make available a copy of the list, together with lists of corrections and additions when made:

(1) to the chair of each political party in the municipality, upon request,

free of charge;

(2) to officers with whom primary petitions are filed under section 2357 of this title, free of charge; and

(3) to any other person, upon request, at cost.

#### § 2142. REVISION OF CHECKLIST

(a) The town clerk shall call such meetings of the board of civil authority as may be necessary before an election or at other times for revision of the checklist. At least one meeting shall take place after the deadline for filing applications and before the day of an election, unless no applications have been filed which could take effect before that election.

(b) Notice of a meeting, along with a copy of the most recent checklist and a separate list of names which have been challenged and may be removed, shall be posted in two or more public places within each voting district and ~~lodged~~ in the town clerk's office.

(c) A quorum of the board of civil authority shall be as provided in subdivision 2103(5) of this title, and written notice shall be provided to each member as established in 24 V.S.A. § 801.

#### § 2143. POLITICAL REPRESENTATION ON BOARD OF CIVIL AUTHORITY

(a) If the board of civil authority of any political subdivision does not contain at least three members of each major political party, and the party committee or at least three voters request increased representation for an underrepresented major political party, by filing a written request with the clerk of the political subdivision, the legislative body shall appoint from a list of names submitted to it by the underrepresented party a sufficient number of voters to the board of civil authority to bring the underrepresented major party's membership on the board to three. A person's name shall not be submitted unless he or she consents to serve if appointed.

(b) The persons so appointed shall have the same duties and authority with respect to elections as have other members of the board; ~~they,~~ but those persons shall have no authority with respect to functions of the board of civil authority which are not related to elections.

\* \* \*

#### § 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK

(a)(1) A town clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter ~~and section 2103 of this title.~~ Once approved, application information shall be

added to the statewide voter checklist ~~on an expedited basis~~ within three business days of receipt by the town clerk's office.

(2) If an applicant has failed upon the date of the election to provide any information required upon the application form pursuant to section 2145 of this title, the town clerk shall notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election.

\* \* \*

#### § 2145. APPLICATION FORMS

(a) The voter registration application shall be in the form approved by the ~~federal election commission~~ Federal Election Commission or by the ~~secretary of state~~ Secretary of State. The application form approved by the ~~secretary~~ Secretary shall include:

(1) A place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and a place for the signature of the applicant affirming, under penalty of perjury, that all information submitted by the applicant is accurate and truthful. The affirmation shall include the following information:

(A) The applicant's place and date of birth.

(B) The applicant's town of legal residence.

(C) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(D)(i) if the applicant has been issued a current and valid driver's license or nondriver's identification, the applicant's driver's license number or nondriver's identification number; or

(ii) if the applicant does not possess a driver's license number, the last four digits of the applicant's Social Security number; or

(iii) if the applicant does not possess a Social Security number, the town clerk shall contact the ~~secretary of state~~ Secretary of State and the ~~secretary~~ Secretary shall assign a unique identifier for the applicant.

(E) The applicant's e-mail address, which shall be optional to provide.

\* \* \*

(c) A board of civil authority or town clerk may not require a person to

complete any form other than that approved under subsection (a) of this section or section 2145a of this title; nor may the board of civil authority or the town clerk require all applicants or any particular class or group of applicants to appear personally before a meeting of the board or routinely or as a matter of policy require applicants to submit additional information to verify or otherwise support the information contained in the application form.

(d) When the board of civil authority acts on an application to add a name to the checklist, it or, upon request of the board, the town clerk shall notify the applicant by returning one copy of the completed application to the applicant and shall ~~send one copy of the completed application to~~ notify the town in which the applicant was last registered to vote, whether within or without the ~~state~~ State of Vermont, by submitting the notification electronically within the statewide voter checklist system or by mailing a copy of the completed application to that town before adding the applicant's name and mailing address to the checklist. The original application shall be filed in the office of the town clerk.

\* \* \*

#### § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR VEHICLES

\* \* \*

(d) ~~The department of motor vehicles~~ Department of Motor Vehicles shall transmit voter registration applications received under this section to the ~~secretary of state~~ Secretary of State not later than ~~10~~ five days after the date the application was accepted by the ~~department~~ Department, or before the close of the checklist for a primary or general election, whichever is sooner. ~~In the case of a voter registration application accepted within five days before the checklist is closed under section 2144 of this title for a primary or general election, the application shall be transmitted to the secretary of state not later than five days after the date of.~~

\* \* \*

#### § 2145b. VOTER REGISTRATION AGENCIES

(a) Each voter registration agency shall:

\* \* \*

(3) Accept completed voter registration applications and transmit completed applications to the ~~secretary of state~~ Secretary of State not later than 10 days after the date of acceptance, or before the close of the checklist for a primary or general election, whichever is sooner. ~~In the case of an application accepted within five days before the checklist is closed under section 2144 of~~

~~this title for a primary or general election, the application shall be transmitted to the secretary of state not later than five days after the date of acceptance.~~

\* \* \*

§ 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER PERSONS OR ORGANIZATIONS

Any person or any organization other than a voter registration agency that accepts a completed voter registration form on behalf of an applicant shall submit that form to the town clerk of the town of that applicant not later than seven days after the date of acceptance, or before the close of the checklist for a primary or general election, whichever is sooner.

§ 2146. ACTION OF BOARD OF CIVIL AUTHORITY OR TOWN CLERK IN REVISING CHECKLIST

(a) At a meeting to revise the checklist, the board of civil authority shall determine whether any person who has applied to be registered to vote meets the requirements of section 2121 of this title. On demand of a majority of the board present, applicants may be examined under oath concerning the facts stated in the application. The board may make such investigation as it deems proper to verify any statement made under oath by an applicant.

(b) As soon as possible, after receipt of an application, the board or, upon request of the board, the town clerk shall inform an applicant of its action as provided in subsection (d) of section 2145 of this ~~title~~ chapter. If the board rejects an applicant, it shall also notify him or her forthwith, in person or by first class mail directed to the address given in the application, of its reasons. The notice shall be in substantially the following form:

REJECTION OF APPLICATION FOR ADDITION TO CHECKLIST

The Board of Civil Authority of .....,  
(Town/City)

having met on ....., 20 ..... to consider applications for addition to the checklist, ~~have~~ has found probable cause, as stated below, to reject the application of .....

(Name)

Cause for rejection:

- (a) AGE:
- (b) CITIZENSHIP:
- (c) VOTER'S OATH:



(d) RESIDENCE:

The Board of Civil Authority will meet on the ..... day of ....., 20 ....., at ..... o'clock at the following location: ..... to reconsider your application and give you an opportunity to appear before the Board. You may present any information or witnesses you wish at that time, or you may appeal directly to any superior or district judge in this county or district.

.....  
Town Clerk or Chairman of Board  
of Civil Authority

(c) If the notice required under subsection (b) of this section is returned undelivered, the board of civil authority shall proceed to remove the person's name from the checklist in the manner set forth in section 2150 of this title.

§ 2147. ALTERATION OF CHECKLIST

(a) Pursuant to section 2150 of this title, the board of civil authority or, upon request of the board, the town clerk shall add to the checklist posted in the town clerk's office the names of the voters added and the names omitted by mistake; and shall strike the names of persons not entitled to vote. The list so corrected shall not be altered except by:

(1) adding the names of persons as directed by any superior or district judge on appeal;

(2) adding the names of persons who are legal voters at the election but whose names are further discovered to be omitted from the completed checklist solely through inadvertence or error;

(3) adding the names of persons who present a copy of a valid application for addition to the checklist of that town that was submitted before the deadline for applications and who otherwise are qualified to be added to the checklist;

(4) adding, at the polling place, the names of persons who sign a sworn affidavit prepared by the ~~secretary of state~~ Secretary of State that they completed and submitted a valid application for addition to the checklist of that town before the deadline for applications and who otherwise are qualified to be added to the checklist;

(5) subdividing the checklist as provided in section 2501 of this title, including the transfer of names of voters who have moved within a town in which they are already registered from one voting district within that town to another; or

(6) adding the names of persons who submitted an incomplete application before the deadline for application, and who provide that information on or before election day.

(b) Any correction or transfer may be accomplished at any time until the closing of the polls on election day. Each voter has primary responsibility to ascertain that his or her name is properly added to and retained on the checklist.

\* \* \*

#### § 2150. REMOVING NAMES FROM CHECKLIST

(a)(1) When a voter from one ~~town~~ political subdivision becomes a resident of another ~~town~~ political subdivision and is placed on the checklist there, the town clerk shall ~~send one copy of the voter registration application form or other official notice to~~ notify the clerk of the ~~town~~ political subdivision where the voter was formerly a resident by submitting the notification electronically within the statewide voter checklist system or by mailing to that clerk a copy of the voter registration application form or other official notice, and that clerk shall strike the voter's name from the checklist of that ~~town~~ political subdivision. ~~Likewise, when~~

(2) When a town clerk receives a copy of the death certificate of a voter, public notice of the death of a voter, or official notice from the ~~department of motor vehicles~~ Department of Motor Vehicles that a voter has authorized his or her address to be changed for voting purposes, the clerk shall strike the voter's name from the checklist.

(3) A town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

(b) The board of civil authority at any time may consider the eligibility of persons on the checklist whom the board believes may be deceased, may have moved from the municipality, or may be registered in another place and may remove names of persons no longer qualified to vote. However, the board shall not remove any name from the checklist except in accordance with the procedures in subsection (d) of this section, and any systematic program for removing names from the checklist shall be completed at least 90 days before an election.

(c) In addition to any actions it takes under subsections (a) and (b) of this section, by September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. In every case where the board of civil authority is

unable to determine under subdivisions (d)(1) and (2) of this section that a person is still qualified to vote, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the person and take appropriate action as provided in subdivisions (d)(3) through (5) of this section. The intent is that when this process is completed there will have been some confirmation or indication of continued eligibility for each person whose name remains on the updated checklist.

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

(1) If the board of civil authority is satisfied that a voter whose eligibility is being considered is still qualified to vote in the municipality, the voter's name shall remain on the checklist, and no further action shall be taken.

(2) If the board of civil authority does not immediately know that the voter is still qualified to vote in the municipality, the board shall attempt to determine with certainty what the true status of the voter's eligibility is. The board of civil authority may consider and rely upon official and unofficial public records and documents, including ~~but not limited to~~, telephone directories, city directories, newspapers, death certificates, obituary (or other public notice of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years. The board of civil authority may also designate one or more persons to attempt to contact the voter personally. Any voter whom the board of civil authority finds through such inquiry to be eligible to remain on the checklist shall be retained without further action being taken. The name of any voter proven to be deceased shall be removed from the checklist.

(3) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter. The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality. The notice shall be sent with the required United States Postal Service language for requesting change of address information. Enclosed with the notice shall be a postage paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name. The notice required by this subsection shall also include the following:

(A) A statement informing the voter that if the voter has not changed

his or her residence, or if the voter has changed his or her residence but the change was within the area covered by the checklist, the voter should return the form to the town clerk's office on or before the date upon which the checklist is closed under section 2144 of this title. The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

(B) Information concerning how the voter can register to vote in another state or another municipality within this ~~state~~ State.

(4) If the voter confirms in writing that the voter has changed his or her residence to a place outside the area covered by the checklist, the board of civil authority shall remove the voter's name from the checklist.

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

\* \* \*

#### § 2154. STATEWIDE VOTER CHECKLIST

\* \* \*

(b) A registered voter's month and day of birth, driver's license number, and the last four digits of the applicant's Social Security number,~~and street address if different from the applicant's mailing address~~ shall not be considered a public record as defined in 1 V.S.A. § 317(b). 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~~ Secretary of State.

\* \* \*

Sec. 4. 1 V.S.A. § 317(c)(31) is amended to read:

(31) records of a registered voter's month and day of birth, motor vehicle operator's license number, and the last four digits of the applicant's Social Security number,~~and street address if different from the applicant's mailing address~~ contained in an application to the statewide voter checklist or the statewide voter checklist established under 17 V.S.A. § 2154;

\* \* \* Party Organization \* \* \*

Sec. 5. 17 V.S.A. § 2307 is amended to read:

§ 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE DELEGATES

(a) Within 72 hours after the caucus, the ~~chairman~~ chair and secretary of the town committee shall mail to the ~~secretary of state,~~ Secretary of State and the ~~chairmen~~ chairs of the ~~state~~ State and county committees, ~~and the town clerk~~ a copy of the notice calling the meeting and a certified list of the names and mailing addresses of the officers and members of the town committee and of the delegates to the county committee.

(b) A committee is not considered organized until it has filed the material required by this section.

(c) The ~~secretary of state~~ Secretary of State shall furnish forms for this purpose to the ~~chairman~~ chair of the ~~state~~ State committee of a political party.

Sec. 6. 17 V.S.A. § 2310 is amended to read:

§ 2310. ELECTION OF STATE COMMITTEE

(a) The ~~chair~~ of the county committee, ~~the national committee man, and the national committee woman~~ shall be ~~members~~ a member of the ~~state~~ State committee. Each county committee shall be entitled to elect at least two additional members of the ~~state~~ State committee, ~~one male and one female~~. These delegates need not be members of the county committee. If the rules or bylaws of a ~~state~~ State committee provide for apportionment of additional members of the ~~state~~ State committee to come from the county, the county committee also shall elect those additional members.

(b) All county committee members and officers and all persons elected to the ~~state~~ State committee shall be voters in the county from which they are elected.

(c) County committee members and delegates to the ~~state~~ State committee shall serve for the following two years or until their successors are elected or appointed.

Sec. 7. 17 V.S.A. § 2311 is amended to read:

§ 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE COMMITTEE MEMBERS

(a) Within 72 hours of the first meeting of the county committee, its ~~chairman~~ chair and secretary shall mail to the ~~secretary of state, the county clerk,~~ Secretary of State and the ~~chairman~~ Chair of the ~~state~~ State committee a copy of the notice calling the meeting and a certified list of the names and mailing addresses of the officers of the county committee and of the members

elected by the county committee to the ~~state~~ State committee.

(b) A committee is not considered organized until it has filed the material required by this section.

(c) The ~~secretary of state~~ Secretary of State shall prescribe and furnish forms for this purpose.

Sec. 8. 17 V.S.A. § 2313 is amended to read:

#### § 2313. FILING OF CERTIFICATE OF ORGANIZATION

(a)(1) Within 10 days after the first meeting of the ~~state~~ State committee of a party, the ~~chair~~ Chair and ~~secretary~~ Secretary shall file in the ~~office~~ Office of the ~~secretary of state~~ Secretary of State a certificate stating that the party has completed its organization for the ensuing two years and has substantially complied with the provisions of this chapter.

(2) However, no ~~state~~ State committee shall be eligible to file a certificate of organization unless it has town committees organized in at least ~~15~~ 30 towns in this ~~state~~ State and county committees organized in at least seven counties by January 1 of the year of the general election.

(b) The certificate of organization shall set forth the names and mailing addresses of the officers and members of the ~~state~~ State committee, together with the counties which they represent. It shall also designate, in not more than three words, the name by which the party shall be identified on any Australian ballot and shall be accompanied by a copy of the notice calling the meeting.

(c) The ~~secretary of state~~ Secretary of State shall prescribe and furnish the form to be used for this purpose.

(d) Upon receipt of a certificate of organization, the ~~secretary of state~~ Secretary of State promptly shall notify all persons who have registered with the ~~secretary of state~~ Secretary of State asking to be notified of such filings.

(e)(1) Within 10 days, the ~~secretary of state~~ Secretary of State shall accept a certificate of organization if it appears to be valid on its face or reject it if it is not.

(2) The ~~secretary of state~~ Secretary of State may reject a certificate of organization if the political or other name is not substantially different from the name of any organized political party.

(3) When a certificate is rejected, the ~~secretary of state~~ Secretary of State promptly shall notify the ~~chair~~ Chair and ~~secretary~~ Secretary of the ~~committee~~ Committee to inform them in writing of the reasons for rejection.

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

Sec. 9. 17 V.S.A. § 2314 is amended to read:

§ 2314. OFFICERS REQUIRED

Every committee of a political party is required to elect a ~~chairman~~ chair, a vice ~~chairman~~ chair, a secretary, and a treasurer, ~~and an assistant treasurer~~, who need not be members of the committee at the time of their election, but who become members, with full voting rights, upon their election. A committee may also elect from among its members such other officers as it deems appropriate to its work.

Sec. 10. 17 V.S.A. § 2315 is amended to read:

§ 2315. ~~ADOPTION OF RULES AND BYLAWS~~

~~Every committee of a political party is authorized to adopt rules and bylaws consistent with law. Every rule or bylaw may be amended by simple majority vote of those present and voting at any meeting of the committee, provided written notice of the proposed amendment is given to all committee members at least seven days prior to the meeting. All rules, bylaws, and amendments thereto shall be filed with the secretary of state, and the copies filed shall be the official copies. [Repealed.]~~

Sec. 11. 17 V.S.A. § 2317 is amended to read:

§ 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY

No voter shall vote in the biennial town, county, or State caucus of more than one party in the same year, nor shall any voter simultaneously hold membership on the committees of more than one political party.

Sec. 12. 17 V.S.A. § 2318 is amended to read:

§ 2318. ORGANIZATION OF MINOR POLITICAL PARTIES

A minor political party may organize in the manner set forth in this subchapter or in another manner which its members deem appropriate. Minor political parties shall comply with the filing requirements of sections 2307, 2311 to the extent applicable, and 2313 of this ~~title~~ chapter, except that they need not be organized in ~~15~~ 30 towns or in seven counties. They shall also comply with the procedural requirements of sections 2303 through 2306 and 2313 of this title, but need not comply with other procedural requirements in sections 2301, 2302, 2308 through 2310, and 2312 of this title. Minor political parties shall also comply with sections 2314 through 2317 of this title.

Sec. 13. 17 V.S.A. § 2320 is amended to read:

§ 2320. ~~DELEGATES TO STATE PLATFORM CONVENTION~~

~~Delegates to the state platform convention shall be the members of the national committee, the state committee, and the county committees of the party, the chairmen of the town committees of the party, the nominees of the party for state officers, state senators, county officers, and representatives to the general assembly and certain other members of the party, not to exceed 12, if selected by the state committee of the party. Upon application of the chairman of the state committee of a party, the secretary of state shall deliver to him or her a duly certified roll of the nominees of that party for the several offices named in this section. The secretary of the state committee of the party shall make and certify a roll of the convention, made in accordance with this section, and none but certified delegates shall take part in the convention. [Repealed.]~~

Sec. 14. 17 V.S.A. § 2321 is amended to read:

§ 2321. REPRESENTATIVE DISTRICT COMMITTEE

The “representative district committee” of a party shall consist of those members of the town committee residing in a representative district, ~~as finally established by the legislative apportionment board~~. A representative district committee may encompass less than an entire town or may extend across town lines. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least five days written notice to all other members; thereafter, the committee shall meet at the call of the chair.

\* \* \* Nominations \* \* \*

Sec. 15. 17 V.S.A. § 2351 is amended to read:

§ 2351. PRIMARY ELECTION

A primary election shall be held on the ~~fourth~~ first Tuesday in August in each even-numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for ~~president and vice president~~ President and Vice President of the United States, their electors, and justices of the peace.

Sec. 16. 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 ~~from~~ for minor party candidates and independent candidates shall



be filed no sooner than the ~~second~~ third Monday in ~~May~~ April and not later than 5:00 p.m. on the ~~second~~ third Thursday after the first Monday in ~~June~~ May preceding the primary election prescribed by section 2351 of this ~~title~~ 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. 17. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) A write-in candidate shall not qualify as a primary winner unless he or she receives at least one-half the number of votes as the number of signatures required for his or her office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, he or she may qualify as a primary winner.

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

Sec. 18. 17 V.S.A. § 2413 is amended to read:

§ 2413. NOMINATION OF JUSTICES OF THE PEACE

(a)(1) The party members in each town, on or before ~~the first Tuesday of August in each even-numbered year~~ each primary election, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace.

(2)(A) The committee shall give notice of the caucus ~~as provided in subsection (d) of this section and the chairman~~ by posting notice at the office of the town clerk and two other public places in the town at least five days prior to the caucus.

(B) In addition, for towns with over 3,000 voters, the committee shall post this notice at least one day prior to the caucus:

(i)(I) in a newspaper of general circulation within the town; or

(II) on a nonpartisan electronic news media website that specializes in news of the State or the community; and

(ii) on the municipality's website, if the municipality actively updates its website on a regular basis.

(3) The chair and secretary of the committee shall file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day

following the primary election.

(b) If it does not hold a caucus as provided in subsection (a) of this section, the town committee shall meet and nominate candidates for justices of the peace as provided in sections 2381 through 2385 of this title. At least three days prior to this meeting, the town committee shall provide notice of the meeting by e-mailing or mailing committee members and by posting notice of the meeting in the office of the town clerk and in two other public places in the town.

(c) In any town in which a political party has not formally organized, any three members of the party who are voters in the town may call a caucus to nominate candidates for justice of the peace by giving notice as required in subsection ~~(d)~~(a) of this section. Upon meeting, the caucus shall first elect a ~~chairman~~ chair and a secretary. Thereafter the caucus shall nominate its candidates for justice of the peace, and cause its ~~chairman~~ chair and secretary to file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day following the primary election.

~~(d) When a caucus is held to nominate candidates for justice of the peace, the town committee or other persons calling the caucus shall post the notice of caucus in at least three public places in the town, not less than seven days before the date of the caucus; in towns having a population of more than 1,000, they shall also publish the notice of caucus in a newspaper having general circulation in the town, not less than three days before the date of the caucus. [Repealed.]~~

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

Sec. 19. 17 V.S.A. § 2457 is amended to read:

§ 2457. WORKSHOPS AND INFORMATION FOR ELECTION OFFICIALS

(a) The ~~secretary of state~~ Secretary of State or his or her designee shall organize regional workshops for election officials, provide them with informational materials about the conduct of elections and recounts, and otherwise help them run elections in conformance with ~~state~~ State and federal law.

(b)(1) The regular presiding officer of each town or an assistant designated by the board of civil authority shall attend, at the town's expense, at least one of these election workshops every two years.

(2) Each town clerk shall file with the Secretary of State by December 31 of each even-numbered year a letter certifying compliance with this subsection.

(c)(1) The town clerk of each town shall provide the ~~secretary of state~~ Secretary of State with the names and addresses of all members of the board of civil authority and shall promptly notify the ~~secretary of state~~ Secretary of State of any changes in the list.

(2) The ~~secretary of state~~ Secretary of State shall invite all members of the boards of civil authority to the workshops and provide them with informational materials.

\* \* \* Standardized Ballots and Vote Tabulators \* \* \*

Sec. 20. 17 V.S.A. § 2362 is amended to read:

§ 2362. PRIMARY BALLOTS

(a) The ballots shall be prepared and furnished to the towns by the ~~secretary of state~~ Secretary of State and shall contain the names of all candidates for nomination 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 ~~in the same format as is used for optical scan tabulator 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: To vote for a candidate whose name is printed on the ballot, mark a cross (X) or fill in the oval at the right of that person's name ~~and party designation~~. To vote for a candidate whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block. 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.

(b) Following the names of candidates printed on the ballot after the name of each office to be filled, shall be as many blank lines for write-in candidates as there are persons to be elected to that office. If no primary petition is filed for an office or for a candidate belonging to a party, the ballot shall contain the name of the office and blank lines for write-in candidates.

Sec. 21. 17 V.S.A. § 2363 is amended to read:

§ 2363. SEPARATE PARTY BALLOTS

(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 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) ~~All voting machines used in primary elections shall be so equipped that the voter can cast his or her vote for candidates within one party only, and without disclosing the party for whose candidates he or she is casting his or her vote. [Repealed.]~~

Sec. 22. 17 V.S.A. § 2471 is amended to read:

§ 2471. GENERAL ELECTION BALLOT

(a)(1) 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.~~ The offices of President and Vice President of the United States, U.S. Senator, U.S. 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.

(2) The ballot shall be prepared at state expense under the direction of the ~~secretary of state~~ Secretary of State. The color of the ballot shall be determined by the ~~secretary of state~~ Secretary of State. The printing shall be black. Ballots shall be printed on index stock and configured to be readable by vote tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space.

\* \* \*

Sec. 23. 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.”

(3) To the right of the party designation shall be an oval in which the voter may indicate his or her choice by making a cross (X) or filling in the oval if tabulators are being used.

(4) ~~No~~ A candidate’s name shall not appear on the ballot more than once for any one office.

\* \* \*

~~(d) The ballot shall be printed in the same format as required for optical scan tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space. [Repealed.]~~

(e) When an article is to be voted on and the legislative body determines that the article is too long or unwieldy to show in full on the ballot, it shall be sufficient for the ballot to show the article by the number and title for that article as they were listed in the warning for the election. However, the complete article shall be posted in a conspicuous place within each voting booth.

Sec. 24. 17 V.S.A. § 2474 is amended to read:

§ 2474. CHOICE OF PARTY

(a)(1) A person nominated by any means for the same office by more than one political party may elect, not later than the ~~second~~ first Friday following the primary election ~~may elect~~, the party or parties in which the nominee will be a candidate. The nominee shall notify in writing the ~~secretary of state~~ Secretary of State or town clerk, as the case may be, of such choice, and only the party or parties which the nominee so elects shall be printed next to the nominee’s name on the ballot.

(2) If the nominee does not notify the Secretary of State or the town clerk of his or her choice of party, the Secretary of State shall print on the ballot those parties next to the nominee’s name by listing in this order:

(A) the major political party for which the nominee had his or her name printed on the ballot in the primary;

(B) any major political parties that nominated the nominee by the party committee, in the order in which the nominations were submitted to the Secretary of State;

(C) any major political parties for which the nominee received write-in votes, in an order from highest to lowest vote counts; and

(D) any minor political parties that nominated the nominee by party committee, in the order in which the nominations were submitted to the Secretary of State.

(b)(1) A candidate for ~~state or congressional~~ State office who is the nominee of two or more political parties shall file with the ~~secretary of state~~ Secretary of State, not later than the ~~second~~ first Friday following the primary election, a statement designating for which party the votes cast for him or her shall be counted for the purposes of determining whether his or her designated party shall be a major political party. The party so designated shall be the first party to be printed immediately after the candidate's name on the ballot.

(2) If a candidate does not file the statement before the ~~second~~ first Friday following the primary, the ~~secretary of state~~ Secretary of State shall designate ~~by lot the party to be printed immediately after the candidate's name~~ the party for which the votes cast shall be counted as provided in subdivision (a)(2) of this section.

Sec. 25. 17 V.S.A. § 2478 is amended to read:

§ 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND FURNISHED

\* \* \*

(e) ~~No voting shall occur in any general election which does not use printed ballots.~~ [Repealed.]

Sec. 26. 17 V.S.A. § 2481 is added to read:

§ 2481. PRINTED BALLOTS REQUIRED

Except in the case of voice votes from the floor, divisions, or voting at a floor meeting by paper ballot at a local election, no voting shall occur in any local, primary, or general election which does not use printed ballots.

Sec. 27. 17 V.S.A. chapter 51, subchapter 3 is amended to read:

Subchapter 3. ~~Voting Machines~~ Vote Tabulators

§ 2491. ~~POLITICAL SUBDIVISION MAY USE VOTING MACHINES~~

SUBDIVISIONS; VOTE TABULATORS

~~(a) A town may~~ 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 at any annual or special meeting to employ electronic devices (“voting machines”) to require the political subdivision for which it is elected to use vote tabulators for the registering and counting of votes in subsequent elections. Voting machines may be used in combination with the paper ballots described in the preceding subchapter, so that each voter may choose whether to use a paper ballot or a voting machine to cast his or her vote, if the town so votes.

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

\* \* \*

§ 2493. ~~RULES FOR USE OF VOTING MACHINES~~ VOTE

TABULATORS; AUDITS

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

(1) All municipalities that have voted to use a ~~voting machine~~ vote tabulator shall use a uniform ~~voting machine~~ vote tabulator approved by the secretary of state Secretary of State.

(2) The ~~secretary of state~~ Secretary of State shall provide for the security of ~~voting machines~~ vote tabulators at all times. ~~Voting machines~~ Vote tabulators, not including the ballot box portion, shall be locked in a vault or a

secure location at all times when not in use.

(3)(A) ~~The secretary of state may~~ Secretary of State shall conduct a random postelection audit of any polling place election results for a primary or general election within 30 days of the election.

(B) If the ~~secretary~~ Secretary determines that a random audit shall be conducted of the election results in a town or city, the town clerk shall direct two members of the board of civil authority to transport the ballot bags to the office of the ~~secretary of state~~ Secretary not later than 10:00 a.m. on the morning when the ~~secretary~~ Secretary has scheduled the audit.

(C) The ~~secretary~~ Secretary shall open the ballot bags and conduct the audit in the same manner as ballots are counted under sections 2581 through 2588 of this ~~title~~ chapter. The ~~secretary of state~~ Secretary shall publicly announce the results of the audit as well as the results from the original return of the vote.

(D) If the ~~secretary~~ Secretary finds that the audit indicates that there was possible fraud in the count or return of votes, ~~the secretary~~ he or she shall refer the results to the ~~attorney general~~ Attorney General for possible prosecution.

(3)(4)(A) All ~~voting machines~~ vote tabulators shall be set to reject a ballot that contains an overvote and provide the voter the opportunity to 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 ~~voting machine~~ vote tabulator and count all races except any race that contains an overvote.

(4)(B) All ~~voting machines~~ vote tabulators shall be set not to reject undervotes.

(5) Establish a process for municipalities using ~~voting machines~~ vote tabulators, whereby markings on ballots that are unreadable by a ~~machine~~ vote tabulator may be transferred by a pair of election officials, who are not members of the same political party, to ballots that are readable by the ~~machine~~ vote tabulator.

(6) Establish a process for using vote tabulators in recounts.

(b) Each ~~voting machine~~ vote tabulator shall be tested using official ballots that are marked clearly as “test ballots” at least 10 days prior to an election.

(c) The same vote tabulator used in any local, primary, or general election shall not be used in a recount of that election.

(d) A vote tabulator shall be a stand-alone device that shall not be



connected to any other device or connections such as wireless connections, cable connections, cellular telephones, or telephone lines.

(e) A municipality only may use a vote tabulator as provided in this title which registers and counts votes cast on paper ballots and which otherwise meets the requirements of this title. A municipality shall not use any type of voting machine on which a voter casts his or her vote.

#### § 2494. CONSTRUCTION WITH OTHER LAWS

(a) Except as this subchapter affects the method of registering votes and ascertaining the result, the laws of this ~~state~~ State pertaining to elections shall be applicable. The laws pertaining to early or absentee voters shall in no way be affected by this subchapter, and votes cast by early or absentee voters shall be counted with votes ~~registered~~ counted on ~~voting machines~~ vote tabulators.

(b) In towns using ~~voting machines~~ vote tabulators, the board of civil authority may vote to open polling places at 5:00 a.m., provided that at least three elections officials are present, two of whom are from different parties. If all early voter absentee ballots have not been deposited into the ~~voting machines~~ vote tabulators before the closing of the polls at 7:00 p.m., the elections officials shall continue to deposit ballots using the same procedure as provided in subsection 2561(b) of this title, treating each ballot as a voter waiting to cast his or her ballot at the close of the polls.

#### § 2495. FORM OF BALLOT

~~(a) In any town which uses voting machines at its elections, it shall be unnecessary for a question submitted to the voters to be shown in full upon the voting machine or the ballot. It shall be sufficient if the article in the warning for the meeting or election at which the question is submitted is referred to by number and title. However, the complete warning shall be posted in a conspicuous place within the voting booth.~~

~~(b) Notwithstanding section 2472 of this title, ballots to be counted by means of electronic or electromechanical devices may be of such size or composition as is suitable for the type of device used. [Repealed.]~~

#### § 2499. MISCELLANEOUS REQUIREMENTS FOR VOTING MACHINES TRANSFER OF PAPER BALLOTS FROM VOTE TABULATORS

The presiding officer, with the assistance of at least two election officials, may transfer voted ballots from the box attached to the ~~voting machine~~ vote tabulator to another secure ballot box or secured ballot bag whenever necessary during election day in order to allow the ~~machine~~ vote tabulator to continue to function properly.

#### Sec. 28. SECRETARY OF STATE; REPORT; USING VOTE

TABULATORS IN RECOUNTS; CONDUCTING AUDITS;  
VOTING BY MAIL; USING ELECTRONIC SIGNATURES IN  
ELECTION PETITIONS

(a) The Secretary of State by January 15, 2015 shall report to the Senate and House Committees on Government Operations on:

(1) His or her proposed process for using vote tabulators in recounts and for the certification of vote tabulators. The Secretary shall consider whether and under what circumstances a town may be permitted to conduct a recount by counting ballots by hand in lieu of using vote tabulators.

(2) His or her proposed process for conducting audits of elections. The Secretary shall specifically consider the use of risk-limiting audits.

(3) Statistics regarding increased voter participation in other jurisdictions which use voting by mail and the feasibility and cost of implementing voting by mail in this State.

(4) His or her proposed process for obtaining electronic signatures for municipal meeting articles, nominating municipal officers, and primary petitions.

(b) In considering the processes set forth in subdivisions (a)(1) and (2) of this section, the Secretary shall consult with stakeholders interested in those processes.

Sec. 29. 17 V.S.A. § 2535 is amended to read:

§ 2535. FORM OF EARLY VOTER ABSENTEE BALLOTS AND  
ENVELOPES; FEDERAL OR MILITARY REQUIREMENTS

\* \* \*

~~(b) If necessary, special ballots may be prepared of such different weight of paper, or overall size and shape as shall be prescribed by the secretary of state, to conform with minimum postal, military, naval, air force or other federal or military regulations and orders covering the transportation of such ballots, provided that the text is identical in substance, except as to type size, with that appearing on the official ballots.~~

Sec. 30. 17 V.S.A. § 2567 is amended to read:

§ 2567. ~~REGISTERING VOTES ON VOTING MACHINES~~ VOTING  
SYSTEMS FOR VOTERS WITH DISABILITIES

~~(a) If a voter is to register his or her vote upon a voting machine, he or she shall proceed, immediately upon being admitted within the guardrail, to a~~

~~voting machine not occupied by another voter. The voter shall then register his or her vote according to the instructions provided to voters with the machine. Upon leaving the voting machine, he or she shall proceed directly to the exit of the guardrail. [Repealed.]~~

~~(b) All polling places, regardless of whether the municipality has voted to use a voting machine pursuant to section 2492 of this title, shall possess at least one voting system approved by the secretary of state Secretary of State equipped for individuals with disabilities, including accessibility for ~~the people who are blind and visually impaired~~ people who have a visual impairment, to vote independently and privately.~~

Sec. 31. 17 V.S.A. § 2573 is amended to read:

§ 2573. NO COUNTING BEFORE POLLS CLOSE

~~In towns using paper ballots that do not use vote tabulators, the ballot boxes shall not be opened nor the ballots counted before the closing of the polls. In towns using voting machines vote tabulators, the machine tabulator counts shall not be viewed or printed before the closing of the polls.~~

Sec. 32. 17 V.S.A. § 2583 is amended to read:

§ 2583. OFFICIAL CHECKLIST TO BE TALLIED; STORAGE OF CHECKLIST

(a)(1) The presiding officer, as soon after the closing of the polls as possible, shall cause both certified checklists to be examined and the number of voters checked as having voted to be tallied. Both tallies shall be recorded by the presiding officer. The presiding officer shall prepare a statement listing any discrepancies between the checklists, including the names involved and other details relating to the discrepancies.

(2) ~~Each~~ Unless the board of civil authority votes not to use an exit checklist under section 2507 of this chapter, each checklist shall be identified as either the “entrance” or “exit” checklist, and the exit checklist, together with a statement of discrepancies, shall be sealed and stored with the ballots and tally sheets as provided in section 2590 of this ~~title~~ chapter. The entrance checklist shall be safely stored so that the public cannot have access to it for a period of 90 days except under the direct supervision of the town clerk.

~~(b) If in the case of voting machines an exit checklist is not used, as provided by section 2496 of this title, read out sheets and other machine materials which are used to provide equivalent security shall be sealed and stored with the ballots and tally sheets. [Repealed.]~~

Sec. 33. 17 V.S.A. § 2701 is amended to read:

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF BALLOT

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The ~~secretary of state~~ Secretary of State shall prepare and distribute for use at the primary an official ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

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

Sec. 34. 17 V.S.A. § 2502 is amended to read:

§ 2502. LOCATION OF POLLING PLACES

(a) Each polling place shall be located in a public place within the town.

(b) The board of civil authority shall take such measures as are necessary to assure that ~~elderly and handicapped~~ voters who are elders or have a disability may conveniently and secretly cast their votes. Measures which may be taken shall include, ~~but are not limited to:~~ location of polling places on the ground floor of a building; providing ramps, elevators, or other facilities for access to the polling place; providing a stencil overlay for ballots; providing a separate polling place with direct communication to the main polling place; and permitting election officials to carry a ballot to ~~a handicapped or elderly~~ an elder or to a person who has a disability in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place. For purposes of this subsection, the board of civil authority shall have full jurisdiction on the day of an election over the premises at which a polling place is located.

(c)(1) Thirty days prior to a local, primary, or general election, the town clerk shall submit to the Secretary of State a list of polling places within the municipality that will be used in that election. The list shall include the name of the polling location, its physical address, and the time the polling place will open.

(2)(A) A municipality may change the location of a polling place less than 30 days prior to an election only in cases of emergency. If a municipality changes the location of a polling place less than 30 days prior to the election, the town clerk shall notify the Secretary of State within 24 hours of the change and provide the new polling place information.

(B) The Secretary of State shall assist any municipality that needs to change the location of a polling place on the day of an election due to an emergency, including assisting in finding a new location and informing the

public of that new location.

(C) The Secretary of State shall inform the State chairs of Vermont's major political parties of any changes made to polling places that he or she is aware of made less than 30 days prior to an election.

(3) The Secretary of State shall provide on his or her official website a list of polling places that will be used in any local, primary, or general election within the State, and shall specifically provide notice on that website of any change in the location of a municipality's polling place.

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

Sec. 35. 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.

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

REQUEST FOR EARLY VOTER ABSENTEE BALLOT

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

Current address: \_\_\_\_\_

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

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

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: \_\_\_\_\_

~~(2)~~(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.

\* \* \*

(g)(1) Any person who applies for an early voter absentee ballot knowing the person is without authorization from the early or absentee voter shall be fined not more than \$100.00 per violation for the first three violations; not more than \$500.00 per violation for the fourth through ninth violations; and not more than \$1,000.00 per violation for the tenth and subsequent violations.

(2) 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 provision, shall conduct a civil investigation in accordance with the procedures set forth in section 2904 of this title.

Sec. 36. 17 V.S.A. § 2534 is amended to read:

§ 2534. LIST OF EARLY OR ABSENTEE VOTERS

(a) The Secretary of State shall make accessible for each primary election, presidential primary election, and general election a statewide list of voters who have requested an early voter absentee ballot. The list shall contain the State voter identification number, name, registration address, address the ballot was mailed to, and legislative district of each voter.

(b) Upon receipt of the valid applications the town clerk shall ~~make a list of the early or absentee voters. The list shall include each voter's name and address. A copy of the list shall be available upon request at the town clerk's office and, on election day, in each polling place in the town~~ update the Secretary of State's statewide list of early or absentee voters by a method approved by the Secretary of State.

Sec. 37. 17 V.S.A. § 2538 is amended to read:

§ 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

(a)(1) In the case of persons who are early or absentee voters due to illness or physical disability, ballots shall be delivered in the following manner unless the early or absentee voter has requested pursuant to section 2539 of this title that the early voter absentee ballots be mailed.

(2) Not later than three days prior to the election, the board of civil authority ~~or, upon request of the board, the town clerk,~~ shall designate in pairs justices of the peace in numbers sufficient to deliver early voter absentee ballots to the applicants for early voter absentee ballots who have stated in their applications that they are unable to vote in person at the polling place due to illness or physical disability but who have not requested in their applications that early voter absentee ballots be mailed to them. No pair shall consist of two justices from the same political party.

(3) If there shall not be available a sufficient number of justices to make up the required number of pairs, a member of each remaining pair shall be

designated by the board, to be selected from lists of registered voters submitted by the chairs of the town committees of political parties, and from among registered voters who in written application to the board state that they are not affiliated with any political party.

(4) No candidate or spouse, parent, or child of a candidate shall be eligible to perform the duties prescribed by this section unless the candidate involved is not disqualified by section 2456 of this title from serving as an election official. This shall not prevent a candidate for district office from serving as a justice in another district.

(5) The compensation of justices and voters designated under this subsection shall be fixed by the board of civil authority and shall be paid by the town.

(b) The town clerk shall divide the list of ill or physically disabled applicants into approximately as many equal parts as there are pairs of justices so designated, having regard to the several parts of the town in which the applicants may be found. ~~During the eight days immediately preceding election day and on election day~~ As soon as early voter absentee ballots are available, the clerk shall deliver to each pair of justices one part of the list, together with early ~~or absentee~~ voter absentee ballots and envelopes for each applicant. When justices receive ballots and envelopes prior to election day, they shall receive only the ballots and envelopes they are assigned to deliver on that day.

(c) Each pair of justices on the days they are assigned to deliver the ballots and envelopes, shall call upon each of the early or absentee voters whose name appears on the part of the list furnished to them and shall deliver early voter absentee ballots and envelopes to each early or absentee voter. The early or absentee voter shall then proceed to mark the ballots alone or in the presence of the justices, but without exhibiting them to the justices or to any other person, except that when the early or absentee voter is blind or physically unable to mark his or her ballot, they may be marked by one of the justices in full view of the other.

Sec. 38. 17 V.S.A. § 2539 is amended to read:

§ 2539. MAILING OF EARLY VOTER ABSENTEE BALLOTS;  
PERMANENTLY DISABLED VOTERS

(a) Unless the early or absentee voter votes in the town clerk's office, or unless the justices are to deliver the early voter absentee ballots to the early or absentee voter, the town clerk shall provide to the early or absentee voter who comes to the town clerk's office a complete set of early voter absentee ballots or mail a complete set of early voter absentee ballots to each early or absentee

voter for whom a valid application has been filed. The early voter absentee ballots shall be mailed forthwith upon the filing of a valid application, or upon the town clerk's receipt of the necessary ballots, whichever is later. ~~Early voter absentee ballots to persons having addresses outside the 50 states and the District of Columbia shall be sent air mail, first class, postpaid when such service is available.~~

(b) In the case of persons who are early or absentee voters due to illness or physical disability, if the voter or authorized person requests in his or her application or otherwise that early voter absentee ballots be mailed rather than delivered by justices of the peace, the town clerk shall mail the ballots; otherwise the ballots shall be delivered to such voters by justices of the peace. In the case of all other early or absentee voters, the town clerk shall mail the early voter absentee ballots, unless the voter chooses to apply and vote in person at the town clerk's office.

(c) Early voter absentee ballots to military or overseas voters shall be sent air mail, first class, postpaid when such service is available, or they may be sent by email when requested by the voter. The town clerk's office shall be open on the 46th day before any election that includes a federal office and the town clerk shall send on or before that day all absentee ballots to any military or overseas voter who requested an early voter absentee ballot on or before that day. On that day the town clerk shall complete any reporting requirements and any other responsibilities regarding the mailing of early voter absentee ballots to military or overseas voters, as directed by the Secretary of State.

Sec. 39. 17 V.S.A. § 2546 is amended to read:

§ 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN  
BALLOT BOX

(a)(1)(A) No sooner 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 open the outside envelope in order to sort early voter absentee ballots by ward and district, may data enter the return of the ballots by the voter, may determine that the certificate has been signed, and may place the inside envelopes in various secure containers 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 ~~voting machine~~ 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.

(1) If the ballots are in a container marked “checked in early voter absentee ballots,” two election officials from different political parties shall open the envelopes and deposit the ballots into the ballot box or into the ~~voting machine~~ vote tabulator.

(2) If the ballots have not been previously checked off the entrance checklist and if an election official determines that the certificate on the envelope is 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, the election official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~ vote tabulator.

(3) If the early voter is a first-time voter who registered by mail, the election official 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 shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~ vote tabulator. 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.

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

Sec. 40. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

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

(b) In towns that use vote ~~tabulating machines~~ tabulators, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the ~~machine~~ 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 additional copies of the tabulator tape. 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)(1) 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) 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) 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.

(d) 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 later than 24 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. 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. The original of the return shall be delivered to the town clerk. In a manner prescribed by the ~~secretary of state~~ Secretary of State and within 48 hours of the close of the polls, the town clerk shall deliver to the ~~secretary of state~~ 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. 41. 17 V.S.A. § 2593 is amended to read:

§ 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE

## CHECKLIST BY TOWN CLERK

Not later than 60 days after ~~the~~ a primary election, presidential primary, or general election, the town clerk shall indicate on the town or municipal checklist of the statewide checklist each voter's participation, participation method, and political party of ballot taken, if applicable, in the primary election, presidential primary, or general election by a method approved by the ~~secretary of state~~ Secretary of State.

\* \* \* Recounts \* \* \*

Sec. 42. 17 V.S.A. chapter 51, subchapter 9 is amended to read:

Subchapter 9. Recounts and Contest of Elections

### § 2601. RECOUNTS

(a) 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 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 an election for all other offices, 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 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.

### § 2602. ~~PROCEDURE~~ PETITIONS FOR RECOUNTS

(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.

(b) In the case of recounts other than specified in subsection (a) of this section, the following procedure shall apply. A petition for a recount shall be filed within ~~10~~ seven days after the election. The petition shall be filed with the ~~civil division of the superior court~~ Civil Division of the Superior Court, Washington County, in the case of candidates for ~~state~~ State or congressional office, or for a presidential election; the petition shall be filed with the ~~superior court~~ Superior Court in any county in which votes were cast for the office to be recounted, in the case of any other office. 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 Superior Court shall set an early the date for of the recount to be five business days after the Court receives the petition for the recount, notifying and shall notify all candidates at least five days in advance of that date no later than the next business day after the petition is received.

(2) The Superior Court shall forward a copy of the petition to the county clerk. The court Court shall order the town clerk or clerks having custody of the ballots to be recounted to appoint two election officials who are not members of the same political party who shall or their designees to transport them to the county clerks of their respective counties before the day set for the recount. County clerks shall store all ballots, still in their sealed containers, in their vaults until the day of the recount. The court shall appoint a sufficient number of impartial voters as a committee to recount the votes.

\* \* \*

(i) ~~The secretary of state~~ Secretary of State shall bear the costs of recounts covered under this chapter.

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

(a)(1) Upon receipt of a petition, the county clerk shall notify the chairpersons 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 is the subject of the recount, advising them to submit immediately a list of 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 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 will be sent a copy of the notice and requested to submit immediately a similar list of nominees for individuals to serve on a recount committee.

(5) If a list of nominees is not delivered to the county clerk with due speed within two business days, the clerk, before the judge sets the date for the recount, shall notify the appropriate candidates that they have 24 hours to submit lists of nominees for individuals to serve on the recount committee.

~~(b) The superior court~~ Superior Court shall ~~set an early date for the recount, making~~ make appointments to the recount committee from among those nominated under this section. In making these appointments, the ~~court~~ Court shall appoint an equal number of persons from each party and from those persons representing an independent candidate. ~~After making the appointments, the court shall notify all candidates of the recount date at least five days in advance. The court shall order the town clerk or clerks having custody of the ballots to be recounted appoint two election officials who are not members of the same political party, who shall transport them to the appropriate county clerks before the day set for the recount.~~

#### § 2602b. ASSIGNMENT OF DUTIES

(a) The county clerk 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 to serve as impartial assistants to the county clerk for operating the vote tabulators. The county clerk shall store all ballots, still in 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.

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

(d) 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. Likewise, each seal shall be examined to see if it is intact, and the county clerk 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.

(e) 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) If there is more than one container from a polling place, the county clerk shall open first the container which is identified as containing the checklist. Upon opening the first container in the presence of the clerk observer team, the county clerk shall empty the contents onto the clerk's table. The county clerk 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.

#### § 2602d. EXAMINATION OF CHECKLISTS

\* \* \*

(d) 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 disagreement. If one or more team members do not agree with the number submitted, the county clerk 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.

#### § 2602e. SORTING OF BALLOTS

\* \* \*

(b) The teams, except the clerk observer team and possibly the team which is processing the checklists, shall proceed to their tables and each team shall get from the county clerk 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.

#### § 2602f. ~~FIRST TALLY~~ RECOUNT BY VOTE TABULATOR

~~(a)(1) 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~~ Vote tabulator-readable ballots from each pile shall be fed 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.

(3) This process shall be used until all ballots from a polling place have been tabulated by a vote tabulator.

(b) After all ballots from a polling place have been tabulated by a vote tabulator, a recount team shall print the tabulator tape containing the unofficial results and document those results on a tally sheet. 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. ~~Such~~ 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~~ 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.

\* \* \*

#### § 2602h. COMPLETING THE TALLY

(a) After the totals for a polling place have been listed, the county clerk

shall add them up in the presence of the clerk 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 county clerk shall note the amount of the difference on the summary sheets for that polling place.

(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 send the summary sheets for all polling places together with the master list and any questionable ballots to the court by certified mail, return receipt requested, or shall certify the results to the judge.

#### § 2602i. COSTS

Recount committee members and assistants designated by the county clerk shall be paid by the ~~state~~ State at the same per diem and mileage rates and according to the same procedures by which jurors are paid. These and other necessary expenses, as approved by the court, shall be paid by the ~~state~~ State through the ~~court administrator’s office~~ Court Administrator’s Office. The ~~secretary of state~~ Secretary of State shall reimburse the ~~court administrator’s office~~ Court Administrator’s Office.

#### § 2602j. OTHER RULES FOR CONDUCTING THE RECOUNT

(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.

(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.

\* \* \*

#### § 2602k. AFTER THE RECOUNT

\* \* \*

(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 ~~state police~~ respective town clerks or their designees shall transport the ballots to the towns from which they came.

\* \* \*

Sec. 43. REPEAL

17 V.S.A. §§ 2492 (legislative branch to obtain voting machines), 2602g (second tally), and 2602l (recounts using voting machines) are repealed.

\* \* \* Vacancies \* \* \*

Sec. 44. 17 V.S.A. § 2623 is amended to read:

§ 2623. VACANCIES IN OFFICES WITHIN THIS STATE

(a) In the event of a vacancy in any ~~state~~ State, county, or legislative office, the ~~governor~~ Governor may request the political party or parties of the person whose death or resignation created the vacancy to submit one or more recommendations as to a successor. The proper committee to which a request for recommendation shall be directed shall be:

\* \* \*

\* \* \* Local Elections \* \* \*

Sec. 45. 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 ~~town~~ 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.

\* \* \*

Sec. 46. 17 V.S.A. § 2642 is amended to read:

§ 2642. WARNING AND NOTICE CONTENTS

(a)(1) The warning shall include the date and time of the election, location of the polling place or places, and the nature of the meeting or election.

(2) It shall, by separate articles, specifically indicate the business to be transacted, to include the offices and the questions to be voted upon.

(3)(A) The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than ~~40~~ 45 days before the day of the meeting.

(B) The clerk receiving the petitions shall immediately proceed to examine them to ascertain whether they conform to the provisions of this subchapter. If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt, he or she shall return it to the petitioners. In this case, supplementary petitions may be filed not later than 48 hours after the petition was returned to the petitioners by the clerk. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) of this subdivision (3) were not filed by the filing deadline.

(b) The posted notice that accompanies the warning shall include information on voter registration, information on early or absentee voting where applicable, and other appropriate information.

Sec. 47. 17 V.S.A. § 2643 is amended to read:

#### § 2643. SPECIAL MEETINGS

(a) The legislative body may warn a special municipal meeting when they deem it necessary and shall call a special meeting on the application of five percent of the voters. A special meeting shall be ~~called~~ warned within 15 days of receipt of the application by the ~~legislative body~~ town clerk.

~~(b) Special meetings shall, when the municipality so votes and until it votes otherwise, start at 7:30 p.m. on the day before the day when the polls are to be opened for voting by ballot. If so convened, all business to be done from the floor at the special meeting may be transacted on that preceding day. At the close of the business, the meeting shall adjourn to the following day for voting by ballot. [Repealed.]~~

(c) The legislative body may rescind the call of a special meeting called by them but not a special meeting called on application of five percent of the voters.

Sec. 48. 17 V.S.A. § 2646 is amended to read:

#### § 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its ~~legally qualified~~ registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

\* \* \*

Sec. 49. 17 V.S.A. § 2660 is amended to read:

§ 2660. CONDUCT OF ELECTION

(a) When voting is at a floor meeting by paper ballot, the polls shall be kept open a reasonable time and reasonable notice shall be given before they close.

(b) When election is by ballot, a majority of all votes cast for any office shall be required for an election, unless otherwise provided by law; provided that when there is but one nominee for an office, unless objection is made, the legal voters may vote to instruct the town clerk to cast one ballot for such nominee and upon such ballot being cast he or she shall be declared elected.

\* \* \*

Sec. 50. 17 V.S.A. § 2661 is amended to read:

§ 2661. RECONSIDERATION OR RESCISSION OF VOTE

(a) A warned article voted on at an annual or special meeting of a municipality shall not be submitted to the voters for reconsideration or rescission at the same meeting after the assembly has begun consideration of another article. If the voters have begun consideration of another article, the original article may only be submitted to the voters at a subsequent annual or special meeting duly warned for the purpose and called by the legislative body on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section. A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended.

\* \* \*

(f) A municipality shall not reconsider a vote to elect a local officer.

Sec. 51. 17 V.S.A. § 2681 is amended to read:

§ 2681. NOMINATIONS; ~~PETITIONS;~~ CONSENTS

(a)(1) 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 later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline.

(2) The candidate shall also file a written consent to the printing of the candidate's name on the ballot, no later than 5:00 p.m. on the Wednesday after the filing deadline 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.

(b) A petition shall contain at least 30 valid signatures of voters of the municipality or one percent of the legal voters of the municipality, whichever is less. The candidate, prior to circulating his or her petitions, shall print on them his or her name as it appears on the voter checklist and shall indicate clearly on them which office he or she is seeking. If there are different lengths of term available for an office the candidate must indicate clearly the length of term as well.

\* \* \*

Sec. 52. 17 V.S.A. § 2681a is amended to read:

§ 2681a. LOCAL ELECTION BALLOTS

\* \* \*

(b)(1) On the local election ballot, the candidate's name shall appear as provided in his or her consent form.

(2) The board of civil authority may vote to list a street address for each candidate, or the town of residence of each candidate, or no residence at all for each candidate.

\* \* \*

Sec. 53. 17 V.S.A. § 2682 is amended to read:

§ 2682. PROCESS OF VOTING; APPOINTMENTS

(a) Election expenses shall be assumed by the municipality.

(b) Returns shall be filed with the town clerk.

(c) In a municipal election controlled by this subchapter, the person receiving the greatest number of votes for an office shall be declared elected to that office; and a certificate of election need not be issued. ~~However, in order to be elected a write in candidate must receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.~~

(d) In the event no person files a petition for an office which is to be filled at the annual or special meeting of a municipality, and if no person is otherwise elected to fill the office, a majority of the legislative body of the municipality may appoint a voter of the municipality to fill the office until the next annual meeting.

~~(e) If there is a tie vote for any office, the legislative body, or in its stead, the municipal clerk, shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election. [Repealed.]~~

(f) When the same number of persons are nominated for any town office as there are positions to be filled, the presiding officer may declare the whole slate of candidates elected without making individual tallies, provided each person on the slate has more votes than the largest number of write-in votes for any one write-in candidate.

Sec. 54. 17 V.S.A. § 2682a is added to read:

§ 2682a. WRITE-IN CANDIDATES

Notwithstanding the provisions of section 2682 of this subchapter, in order to be elected, a write-in candidate shall receive at least 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.

Sec. 55. 17 V.S.A. § 2682b is added to read:

§ 2682b. TIE VOTES FOR LOCAL OFFICE

If there is a tie vote for any office, the legislative body or, in its stead, the municipal clerk shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election.

Sec. 56. 17 V.S.A. § 2683 is amended to read:

§ 2683. ~~RECOUNTS~~ REQUEST FOR A RECOUNT; CANDIDATES

(a) A candidate for local office may request a recount by filing a request 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 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. 57. 17 V.S.A. § 2685 is amended to read:

§ 2685. INSPECTION OF BALLOTS CONDUCT OF RECOUNT

(a) 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, unless the candidate who petitions for a recount requests that the recount be conducted by ~~optical scanner~~ vote tabulator, in which case the recount shall be conducted by the presiding officer and board of civil authority pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable.

(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 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. 58. 17 V.S.A. § 2685a is added 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) The presiding officer shall supervise the recount.

(3) 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. 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.

(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.

(b) Preparation for recount.

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

(2) The recount teams established 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.

(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.

(e) First tally.

(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 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.

(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) Write-in votes for preprinted candidates shall be counted as votes 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.

(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.

(h) Other rules for conducting the recount.

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

(2) The presiding officer 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 shall not be permitted within the area designated by the presiding officer.

(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 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.

(B) If the recount confirms a tie, as to any public question, no recessed election shall 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.

Sec. 59. 17 V.S.A. § 2688 is amended to read:

§ 2688. RECOUNT ON QUESTION SUBMITTED

(a) A registered voter or, in the case of a union school district, at least one registered voter from each member of the union district may demand a recount of ballots on any question submitted to the vote of ~~a town~~ the municipality using the Australian ballot system, if the margin by which the question passed or failed is less than five percent of the total votes cast on the question.

(b) The request shall be filed with the municipal clerk within 10 days after the vote. The procedure shall be the same as in the case of recount of the votes cast for a candidate at an election.

(c) The petitioner and his or her designated representative and a voter representing the other side of the question voted upon and his or her designated representative may inspect the vote and observe the recount under the guidance of the board of civil authority.

\* \* \* Presidential Elections \* \* \*

Sec. 60. 17 V.S.A. § 2716 is amended to read:

§ 2716. NOTIFICATION TO SECRETARY OF STATE

Not later than 5:00 p.m. on the ~~47th~~ 55th day before the day of the general election, the ~~chairman~~ Chair of the ~~state committee~~ State Committee of each major political party shall certify in writing to the ~~secretary of state~~ Secretary of State the names of the presidential and vice presidential nominees selected at the party's national convention.

\* \* \* Warning Requirements in Newspapers \* \* \*

Sec. 61. 17 V.S.A. § 1840 is amended to read:

§ 1840. INTERIM PUBLICATION

Within 90 days following adjournment without day of any session of the ~~general assembly~~ General Assembly in which articles of amendment to the ~~constitution~~ Constitution have been proposed by the ~~senate~~ Senate and concurred in by the ~~house~~ House, the ~~secretary of state~~ Secretary of State shall prepare copies of the proposal or proposals of amendment and forward them, with a summary of proposed changes, for publication ~~to the principal daily in~~ at least two newspapers published having general circulation in the state State, as determined by the ~~secretary of state~~; and the Secretary of State. The proposal or proposals shall be so published once each week for three successive weeks in each of the papers at the expense of the ~~state~~ State and on the websites of the General Assembly and the Office of the Secretary of State.

Sec. 62. 17 V.S.A. § 1844 is amended to read:

§ 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;  
BALLOTS

(a) The ~~secretary of state~~ Secretary of State shall between September 25 and October 1 in any year in which a vote on ratification of an article of amendment is taken, prepare copies of the proposal of amendment and forward them, with a summary of proposed changes, for publication ~~to the principal daily in~~ at least two newspapers published having general circulation in the state State, as determined by the ~~secretary of state~~; and the Secretary of State. The proposal shall be so published once each week for three successive weeks in each of the papers at the expense of the state State and on the websites of the General Assembly and the Office of the Secretary of State. ~~He or she~~

(b) The Secretary of State shall cause ballots to be prepared for a vote by the freemen and freewomen upon the proposal of amendment.

Sec. 63. 17 V.S.A. § 2302 is amended to read:

§ 2302. STATE ~~CHAIRMAN~~ CHAIR TO CALL CAUCUS

(a) The ~~chairman~~ chair of the state committee of a party shall set a date for members of the party to meet in caucus in their respective towns, which date shall be between September 10 and September 30, inclusive, in each odd numbered year.

(b) At least 14 days before the date set for the caucuses, the ~~state chairman~~ State Chair shall mail or electronically mail a notice of the date and purpose of the caucuses to each town clerk and to each town ~~chairman~~ and county chair of the party, ~~and shall cause the notice to be published in at least two newspapers having general circulation within the state~~.

Sec. 64. 17 V.S.A. § 2303 is amended to read:

§ 2303. TOWN ~~CHAIRMAN~~ CHAIR TO GIVE NOTICE

(a) The town ~~chairman~~ chair or, if unavailable; or if the records of the ~~secretary of state~~ Secretary of State show there is no ~~chairman~~ chair, any three voters of the town, shall arrange to hold a caucus on the day designated by the ~~state chairman~~ 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 ~~chairman~~ 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 ~~1,000~~ 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 to perform the duties prescribed above for the town ~~chairman~~ chair.

Sec. 65. 17 V.S.A. § 2309 is amended to read:

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

(a)(1) The ~~chairman~~ Chair of the ~~state committee~~ State Committee shall set a date, not more than ~~30~~ 45 days after the date of the party's caucuses, for the first meeting of each county committee.

(2) The ~~state chairman~~ State Chair shall notify the ~~chairmen~~ chairs of the county committees of the date of the meeting ~~and shall publish notice in at least two newspapers with general circulation within the state.~~

(3) The ~~chairman~~ chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail or electronic mail not less than 10 days prior to the meeting. If the chair of the county committee receives notice that a town within the county has organized 10 or fewer days before the date of the first meeting of the county committee, the chair must notify the newly elected members within 48 hours of receiving notice of the organized town.

(b) At the time and place set for the meeting, the delegates shall proceed to elect their officers and perfect an organization for the ensuing two years. All officers and other members of the county committee and all delegates to the

~~state committee~~ State Committee shall be voters of the county.

Sec. 66. 17 V.S.A. § 2641 is amended to read:

§ 2641. WARNING AND NOTICE REQUIRED; PUBLICATION OF WARNINGS

(a) The legislative body of a municipality shall warn a meeting by posting a warning and notice in at least two public places in the ~~town~~ municipality, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a ~~town~~ municipality has more than one polling place and the polling places are not all in the same building, 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.

(b) In addition, the warning shall be published in a newspaper of general circulation in the municipality at least five days before the meeting, unless the warning is published in the town report, ~~or otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting and distributed as provided in 24 V.S.A. § 1682.~~ The legislative body annually shall designate the paper in which such a warning may be published. The warning shall also be posted on the municipality's website, if the municipality actively updates its website on a regular basis.

(c) No such warning shall be required for municipal informational meetings at which no voting is to take place.

\* \* \* Lobbyists \* \* \*

Sec. 67. 2 V.S.A. § 264 is amended to read:

§ 264. REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS; EMPLOYERS; LOBBYISTS

\* \* \*

(b) An employer shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the employer in each of the following categories:

(A) ~~advertising~~ Advertising, including television, radio, print, and electronic media;

(B) ~~expenses~~ Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief

description of the activity;

~~(C) contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D) the~~ The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to lobbyists or lobbying firms for lobbying. The employer shall report the name and address of each lobbyist or lobbying firm to which the employer pays compensation. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist or lobbying firm whose activities under this chapter are incidental to regular employment or other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the employer to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the employer shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the employer and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse; or

(C) a legislator's or administrator's dependent household member.

(c) A lobbyist shall disclose for the period of the report the following information:

(1) A total of all lobbying expenditures made by the lobbyist in each of the following categories:

(A) ~~advertising~~ Advertising , including television, radio, print, and

electronic media;

(B) ~~expenses~~ Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity;

(C) ~~contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D) the~~ The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbyist, who is not employed by, subcontracted by, or affiliated with a lobbying firm, for lobbying, including the name and address of each registered employer who engaged the services of the lobbyist reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbyist whose activities under this chapter are incidental to other responsibilities to the employer. A lobbyist who is employed by, subcontracted by, or affiliated with a lobbying firm shall not report individual compensation. The total compensation paid to the lobbying firm shall be reported pursuant to section 264b of this title.

(3) An itemized list of every gift, the value of which is greater than \$15.00, made by or on behalf of a lobbyist to or at the request of one or more legislators or administrative officials or a member of the legislator's or administrative official's immediate family. With respect to each gift, the lobbyist shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbyist and:

(A) a legislator or administrator;



(B) a legislator's or administrator's spouse; or

(C) a legislator's or administrator's dependent household member.

\* \* \*

(h) Disclosure reports shall be made on forms published by the ~~secretary of state~~ Secretary of State and shall be signed by the employer or lobbyist. The ~~secretary of state~~ Secretary of State shall ~~mail~~ make those forms available to registered employers and lobbyists on the Secretary's website not later than 30 days before each filing deadline.

\* \* \*

Sec. 68. 2 V.S.A. § 264b is amended to read:

§ 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES, COMPENSATION, AND GIFTS; LOBBYING FIRMS

\* \* \*

(b) Every lobbying firm shall file a disclosure report on the same day as lobbyist disclosure reports are due under subsection 264(a) of this title which shall include:

(1) A total of all lobbying expenditures made by the lobbying firm in each of the following categories:

(A) ~~advertising~~ Advertising, including television, radio, print, and electronic media;

(B) ~~expenses~~ Expenses incurred for telemarketing, polling, or similar activities if the activities are intended, designed, or calculated, directly or indirectly, to influence legislative or administrative action. The report shall specify the amount, the person to whom the amount was paid, and a brief description of the activity;

(C) ~~contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:~~

~~(i) a legislator or administrator;~~

~~(ii) a legislator's or administrator's spouse or civil union partner; or~~

~~(iii) a legislator's or administrator's dependent household member;~~

~~(D) the~~ The total amount of any other lobbying expenditures.

(2) The total amount of compensation paid to a lobbying firm for lobbying with the name and address of each registered employer who engaged the services of the lobbying firm reporting. It shall be sufficient to include a prorated amount based on the value of the time devoted to lobbying where compensation is to be included for a lobbying firm whose activities under this chapter are incidental to other responsibilities to the employer.

(3) An itemized list of every gift the value of which is greater than \$15.00, made by or on behalf of the lobbying firm to or at the request of one or more legislators or administrative officials or a member of a legislator's or administrative official's immediate family. With respect to each gift, the lobbying firm shall report the date the gift was made, the nature of the gift, the value of the gift, the identity of any legislators or administrative officials who requested the gift, and the identity of any recipients of the gift. Monetary gifts, other than political contributions, shall be prohibited.

(4) Contractual agreements in excess of \$100.00 per year or direct business relationships that are in existence or were entered into within the previous 12 months between the lobbying firm and:

(A) a legislator or administrator;

(B) a legislator's or administrator's spouse or civil union partner; or

(C) a legislator's or administrator's dependent household member.

\* \* \* Correction of Cross-References and Other Technical Corrections \* \* \*

Sec. 69. 17 V.S.A. § 1881a is amended to read:

§ 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION

\* \* \*

(c) Petitions for nominating candidates for ~~senator~~ Senator in the ~~general assembly~~ General Assembly by primary ~~under chapter 9 of this title~~ or by certificates of nomination of candidates for that office by convention, caucus, committee, or voters under chapter ~~44~~ 49 of this title may be filed in the office of any county clerk in a senatorial district. On the day after the last day for filing those petitions or certificates for that office, the other county clerk shall notify the senatorial district clerk of the facts concerning those petitions or certificates. The senatorial district clerk shall be responsible for determining the names of candidates and other facts required by law to appear on the ballot for the office of senator, and for obtaining and distributing the ballots to the other clerks in the district. In senatorial districts, the ballots for senator in the ~~general assembly~~ General Assembly shall be separate from those for other county officers.

\* \* \*

Sec. 70. 17 V.S.A. § 2369 is amended to read:

§ 2369. DETERMINING WINNER; TIE VOTES

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

(b) If 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) ~~Upon five days notice and not later than 10 days following the primary election, the state committee~~ State Committee of a party; for a ~~state~~ State or congressional office;

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

(3) the county committee for county office; or

(4) the representative district committee for a representative to the general assembly shall meet to nominate a candidate from among the tied candidates General Assembly.

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

Sec. 71. 17 V.S.A. § 2565 is amended to read:

§ 2565. DELIVERY OF BALLOTS

As each voter passes through the entrance of the guardrail, an election official or officials shall hand him or her one of each kind of ballot. ~~He or they~~ The election officials shall also answer any questions a voter may ask concerning the process of voting. The presiding officer shall keep the election officials in charge of furnishing ballots to voters supplied with a sufficient number of blank ballots, keeping the remainder of the blank ballots safely secured until needed.

\* \* \* Gender Neutrality \* \* \*

Sec. 72. STATUTORY REVISION; GENDER NEUTRALITY; "CHAIR,"

"SELECTBOARD MEMBER," ETC.

The Office of Legislative Council, in its statutory revision capacity, is

directed to make amendments to the cumulative supplements of the Vermont Statutes Annotated to change the terms “chairman” to “chair”; “vice chairman” to “vice chair”; and “selectman” to “selectboard member” and to make similar changes for the purpose of gender neutrality, so long as those changes have no other effect on the meaning of the statutes in which the changes are made. These changes shall also be made when new legislation is proposed or when there is a republication of the Vermont Statutes Annotated.

\* \* \* Use of “Town” vs. “Municipality” or “Political Subdivision” \* \* \*

#### Sec. 73. TOWN VS. MUNICIPALITY OR POLITICAL SUBDIVISION

The Office of Legislative Council is directed to search the statutes within Title 17 of the Vermont Statutes Annotated for the use of the word “town” and, in consultation with the Office of the Secretary of State, prepare on or before November 15, 2014 a draft bill that would replace the word “town” with the word “municipality” or with the term “political subdivision” where the context of a statute is meant to include or should apply to a political subdivision of the State other than a town, as that term is defined in 17 V.S.A. § 2103.

\* \* \* Effective Dates \* \* \*

#### Sec. 74. EFFECTIVE DATES

This act shall take effect on July 1, 2014, except:

(1) this section and Sec. 18, 17 V.S.A. § 2413 (nomination of justices of the peace), shall take effect on passage;

(2) Secs. 36, 17 V.S.A. § 2534 (list of early or absentee voters), and 41, 17 V.S.A. § 2593 (participation to be entered on statewide checklist by town clerk), shall take effect on July 1, 2015;

(3) Secs. 15, 17 V.S.A. § 2351 (primary election), and 16, 17 V.S.A. § 2356 (time for filing petitions and statements of nomination), shall take effect on January 1, 2016; and

(4) Sec. 27, 17 V.S.A. § 2941(b) (political subdivisions; vote tabulators; town requirement to use vote tabulators), shall take effect on July 1, 2016.

and that after passage the title of the bill be amended to read: “An act relating to miscellaneous changes to election laws and to lobbyist reporting”.

## NEW BUSINESS

### Favorable with Amendment

#### H. 740

An act relating to transportation improvement fees

**Rep. McCarthy of St. Albans City**, for the Committee on **Transportation**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

#### Sec. 1. FINDINGS AND INTENT

(a) The General Assembly finds that:

(1) To issue a land use permit under 10 V.S.A. chapter 151 (Act 250), a District Commission must make required findings, including that the proposed development and subdivision does not cause unreasonable traffic congestion or unsafe traffic conditions and does not materially interfere with or jeopardize the function, safety, and efficiency of Vermont's public highway and transportation systems.

(2) To ensure that the development or subdivision meets the statutory requirements related to transportation impacts, District Commissions often require physical improvements or other measures to mitigate those impacts.

(3) Because the District Commissions address mitigation on a case-by-case basis, the obligation to mitigate transportation impacts often falls on the development or subdivision whose traffic impacts cause existing traffic conditions to become unsafe or unreasonably congested.

(4) This approach, often referred to as "last-one-in," can require an applicant to bear the entire burden of installing mitigation measures that benefit not only the applicant's project, but existing and future developments or subdivisions, as well as regional and statewide through traffic. The potential for this outcome is high in areas that are already developed and experiencing significant traffic volumes.

(5) Physical improvements to mitigate transportation impacts can be costly and exceed the cost of a proposed development and subdivision, particularly if the proposal is a small project in an already developed area.

(b) In enacting this legislation, the General Assembly intends:

(1) to establish an alternative to the "last-one-in" approach that enables the costs to mitigate transportation impacts to be allocated proportionally among the State and the land use projects that have traffic impact and that will benefit from the mitigation;

(2) to foster in-fill development, further Vermont's planning goals set forth in 24 V.S.A § 4302, and encourage economic growth by creating a mechanism to apportion the cost of new transportation infrastructure in already developed areas; and

(3) to encourage planning for the establishment of transportation improvement districts in which the costs of transportation infrastructure are allocated proportionally and thereby to support economic growth, the construction of needed transportation improvements, and Vermont's planning goals.

Sec. 2. 10 V.S.A. chapter 151, subchapter 5 is added to read:

Subchapter 5. Transportation Impact Fees

§ 6101. PURPOSE

The purpose of this subchapter is to provide a mechanism to allocate the costs to mitigate the impacts of land use projects to the transportation system in a manner that is equitable and that supports the planning goals of 24 V.S.A. § 4302.

§ 6102. DEFINITIONS

As used in this subchapter:

(1) "Agency" means the Agency of Transportation.

(2) "Capacity" means each of the following:

(A) the number of vehicles per hour accommodated by transportation infrastructure;

(B) the ability of transportation infrastructure to provide connectivity for pedestrians and cyclists; and

(C) the number of people that can be accommodated by bus at levels of service specified for each mode of travel.

(3) "Capital Transportation Program" means the multiyear transportation program under 19 V.S.A § 10g as established each year by the General Assembly.

(4) "Capital transportation project" means:

(A) a physical improvement to the State transportation system or to a municipal highway, right-of-way, or transportation facility; and

(B) a study or survey requested or commissioned by a District Commission or the Agency relating to any physical improvement of one or more of the following:

(i) the State transportation system; and

(ii) a municipal highway, right-of-way, or transportation improvement or facility.

(5) “District Commission” shall have the same meaning as under section 6001 of this title except that the term also shall include the Board in exercising its authority to make findings of fact and conclusions of law.

(6) “Land use project” means any activity requiring a permit under this chapter or 19 V.S.A. § 1111.

(7) “Municipality” means a city, town, incorporated village or unorganized town or gore.

(8) “Pass-by trips” means traffic that is present on a roadway adjacent to a land use project for reasons other than accessing the project and that enters the project.

(9) “Regional planning commission” shall have the same meaning as under 24 V.S.A. § 4303.

(10) “Secretary” means the Secretary of Transportation or designee.

(11) “State transportation system” means the highways, rights-of-way, and transportation facilities under the jurisdiction of the Agency or any other agency of the State and does not include highways, rights-of-way, and transportation facilities under the jurisdiction of a municipality.

(12) “Transportation Demand Management “ or “TDM” means measures that reduce vehicle trips or redistribute vehicle trips to non-peak times or other areas. Examples include telecommuting, incentives to carpool or ride public transit, and staggered work shifts.

(13) “Transportation impact fee” means a fee that is assessed to a land use project as a condition of a permit issued under this chapter or a State highway access permit under 19 V.S.A. § 1111 and is used to support any portion of the costs of a completed or planned capital transportation project that will benefit or is attributable to the land use project.

(14) “Transportation Improvement District” or “TID” means a discrete geographic area that includes and will benefit from one or more capital transportation projects included in the Capital Transportation Program and for which the Agency has established a transportation impact fee under this subchapter.

(15) “Vehicle trips” means the number of trips by motorized conveyance generated by a proposed land use project measured at a specific place and for a specific duration. The ownership of and number of persons

within the conveyance shall be irrelevant.

§ 6103. AUTHORITY

A District Commission or the Agency may assess a transportation impact fee in accordance with this subchapter.

§ 6104. TRANSPORTATION IMPACT FEE; DISTRICT COMMISSION

(a) A District Commission may require payment of a transportation impact fee in accordance with section 6106 of this title to fund, in whole or in part, capital improvements that are necessary to mitigate the transportation impacts of a proposed development or subdivision or that benefit the proposed development or subdivision. The Agency shall review the application and recommend to the District Commission whether to require mitigation of the transportation impacts of the development or subdivision. The District Commission may require an applicant to pay the entire cost of a capital transportation project and may provide for reimbursement of the applicant by developments and subdivisions subsequently receiving permits or amended permits under this chapter that benefit from the capital transportation project. The period for reimbursement shall expire when the associated capital transportation project ceases to provide additional capacity.

(b) A District Commission may require an applicant for a development or subdivision within a TID to pay the transportation impact fee established by the Secretary if the Commission determines that the fee will fund, in whole or in part, improvements to mitigate transportation impacts of the development or subdivision.

(c) The authority granted to the District Commissions under this subchapter is in addition to their other authority.

§ 6105. TRANSPORTATION IMPROVEMENT DISTRICT AND FEE; AGENCY OF TRANSPORTATION

(a) The Secretary may establish a TID and transportation impact fee in accordance with this section and section 6106 of this title if one or more capital transportation projects in the most recent Capital Transportation Program will provide capacity that benefits one or more future land use projects within a discrete geographic area or will provide capacity for future land use projects identified by a regional planning commission or municipality within a discrete geographic area.

(b) To establish a TID and transportation impact fee, the Secretary shall cause the Agency to issue a proposed TID and transportation impact fee.

(1) In preparing the proposal, the Agency shall consult with each regional planning commission, municipality, and the public in which the TID



will be located on the geographic extent of the TID, the land use assumptions to be used, the performance standards and the consistency of the proposal with each applicable municipal and regional plan.

(2) The Agency shall prepare a transportation infrastructure plan for the capital transportation project that identifies highway, transit, bicycle, and pedestrian infrastructure needs of a proposed TID. The Agency's proposal shall identify the recommended geographic extent of the TID, the proposed performance standards within the TID, and the proposed transportation impact fee in accordance with section 6106 of this title.

(A) The infrastructure plan shall follow generally accepted planning and engineering standards.

(B) The performance standard for a TID shall be suitable for the area in which the TID is located.

(C) The proposed fee shall reflect a rational nexus between the needs that the transportation infrastructure plan is designed to meet and the benefits that will be provided or the impacts attributable to the proposed land use projects to which the fee will be assessed and shall be roughly proportional to those benefits or impacts.

(3) On issuance of the proposal, the Agency shall provide notice of a public hearing on the proposal before the Secretary. The notice shall include the date and location of the hearing, a description of the TID including the capital transportation project or projects, the TID's geographic extent, and the proposed transportation impact fee. The Agency shall provide the notice to each property owner within the TID, the municipal legislative body and municipal and regional planning commissions for the area in which the TID is located, and shall publish the notice on its web page and in a newspaper of general circulation in the geographic area of the TID. The date of the public hearing shall be not less than 30 days after issuance and publication of the notice.

(4) The Secretary shall hold a public hearing and take testimony on the Agency's proposal. The Secretary shall provide an opportunity for members of the public and affected property owners to testify.

(5) After completing the public hearing, the Secretary may approve, approve with revisions, or deny the Agency's proposal. The Secretary's approval shall establish the proposed TID and transportation impact fee, with any revisions required by the Secretary.

(c) The Secretary shall consider the following to establish the boundaries of a TID:

(1) the existing and planned pattern of development as set forth in the municipal or regional plans;

(2) the future land use projects to be served by the capital transportation projects that the TID will fund; and

(3) each land use project having transportation impacts that are mitigated by a capital transportation project to serve the TID.

(d) The Agency may assess a transportation impact fee to each land use project within a TID for which a State highway access permit is required under 19 V.S.A. § 1111. This subsection shall not apply to a development or subdivision requiring a permit under section 6081 of this title.

(e) The TID and transportation impact fee shall expire after the Secretary determines that the associated capital transportation project or projects no longer meet the approved performance standards.

#### § 6106. TRANSPORTATION IMPACT FEE; FORMULA

(a) When assessing a transportation impact fee to a land use project, the Secretary shall apply a formula that reflects the performance standards for the TID, and the District Commission shall apply a formula that reflects those performance standards or the mitigation that the Commission determines is required to address the transportation impacts of the development or subdivision. In either case, the formula shall account for each of the following:

(1) the vehicle trips generated by the land use project estimated pursuant to a generally accepted methodology;

(2) the capital costs of highway infrastructure, pedestrian and bicycle facilities, public transportation, and other transportation infrastructure that benefit or mitigate the transportation impacts of the land use project;

(3) conditions not attributable to the transportation impacts of the land use project including forecasted growth in background traffic and existing infrastructure and capacity deficiencies;

(4) the proportional share of the capital costs of transportation infrastructure that provides benefit to or is attributable to the transportation impacts of the land use project and determined pursuant to a reasonably accepted methodology; and

(5) other funding sources available to finance the capital transportation project.

(b) When determining a transportation impact fee under this section for a land use project, the Secretary or the District Commission may adjust the result of the formula to account for one or more of the following:

(1) a traffic allocation, if any, set for the land use project by a prior permit;

(2) the net change in vehicle trip generation of a proposed land use project considering pass-by-trips and the amount of traffic already generated by the tract of land on which the land use project is to be located;

(3) municipal traffic impact fees paid by the applicant to the extent that those fees fund improvements on which the transportation impact fee is based;

(4) the fair market value of dedications of land, interests in land or transportation infrastructure improvements provided by the developer to mitigate offsite traffic impacts;

(5) TDM programs offered by the applicant that reduce vehicle trips; and

(6) the siting of a proposed land use project in a downtown, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area designated under 24 V.S.A. chapter 76A.

(c) A transportation impact fee for one or more capital transportation projects in a TID shall not exceed the portion of the cost of each capital transportation project that is required to mitigate the transportation impacts of the land use project and shall not include costs attributable to the operation, administration, or maintenance of the capital transportation project.

(d) An applicant may choose to fund the entire cost of a capital transportation project. An applicant for a permit under this chapter who chooses to fund the entire cost of a capital transportation project may request and the District Commission may authorize reimbursement in accordance with subsection 6104(a) of this title.

(e) In assessing a transportation impact fee to an applicant under this subchapter, the Agency or District Commission shall require the applicant to pay the transportation impact fee prior to commencement of construction of the applicant's land use project and shall not require the applicant to delay commencement of construction of that project until construction of each capital transportation project for which the fee was assessed, unless the Agency or District Commission determines that the capital transportation project must first be built to address a transportation safety issue caused or exacerbated by the land use project. If a land use project is to be constructed in stages, the Agency or District Commission may approve payment of a proportionate amount of the fee prior to commencement of construction on each stage.

#### § 6107. TRANSPORTATION IMPROVEMENT DISTRICT FUND

(a) There is created a special fund within the transportation fund known as the Transportation Improvement District Fund. The Agency shall deposit into the Fund each transportation impact fee it receives under this subchapter. The Agency shall administer the Fund.

(b) Balances in the Fund shall be expended only for the purposes authorized in this subchapter and shall not be used for the general obligations of government. All balances in the Fund at the end of any fiscal year shall be carried forward and remain within the Fund. Interest earned by the Fund shall be deposited in the Fund.

(c) The Agency shall provide an annual accounting to the Treasurer of each TID and associated transportation impact fee for that district showing the source, amount collected, each project that was funded or that will be funded with the fee, and the amount expended.

#### § 6108. PAYMENT OF FEES

An applicant shall pay a transportation impact fee assessed under this subchapter to the Agency, except that a District Commission may direct an applicant to pay a transportation impact fee to a municipality if the impacts of the applicant's development or subdivision are limited to municipal highways and rights-of-way or other municipal transportation facilities.

#### § 6109. UNSPENT FEE AMOUNTS; REFUNDS

Within 15 years from the date of payment, a fee assessed under this subchapter shall be spent on the capital transportation project or projects in the appropriate TID or on the appropriate capital transportation project for which the fee was paid. If the Agency or municipality to which the fee was paid does not spend all or portion of the fee collected on the appropriate capital transportation project or projects, the applicant or its successors may apply to the Agency or municipality for a refund of the proportionate share of that fee within one year of the date on which the applicant's right to claim the refund accrued. The refund shall include the amount of all interest earned by the Transportation Improvement District Fund or the municipality on the amount of principal to be returned.

#### § 6110. APPEALS

(a) A person aggrieved by a decision of the Secretary regarding the establishment of a TID or the transportation impact fee for the TID may appeal to the Civil Division of the Superior Court under Rule 74 of the Vermont Rules of Civil Procedure.

(b) A permit issued by the Agency under 19 V.S.A. § 1111 may be appealed in accordance with 19 V.S.A. § 5.

(c) Appeal of an act or decision of a District Commission under this subchapter shall be pursuant to section 6089 of this title.

§ 6111. RULEMAKING

The Board and the Agency may adopt rules to implement the provisions of this subchapter.

Sec. 3. 19 V.S.A. § 1111(a) is amended to read:

(a) Permits. Permits must be obtained by anyone or any corporation wishing to use as described in this section any part of the highway right-of-way on either the ~~state~~ State or town system. Notwithstanding any other statutory requirement, a permit shall be required for any use of any highway right-of-way, consistent with the provisions of this section. In issuing a permit under this section for a use of a State highway right-of-way, the Secretary may require a transportation impact fee in accordance with 10 V.S.A. chapter 151, subchapter 5. ~~The~~ Except for this transportation impact fee authority of the Secretary, the authority given to the ~~board~~ Board, the ~~secretary~~ Secretary, and the ~~attorney general~~ Attorney General under this section shall also apply to the legislative bodies of towns, or their designees.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

and that after passage the title of the bill be amended to read: “An act relating to transportation impact fees”

**( Committee Vote: 10-0-1)**

**Rep. Wilson of Manchester**, for the Committee on **Ways and Means**, recommends the bill ought to pass when amended as recommended by the Committee on **Transportation** and when further amended as follows:

be amended in Sec. 2, 10 V.S.A. chapter 151, subchapter 5, in § 6104 (transportation impact fee; District Commission), after subsection (b), by inserting subsection (c) to read:

(c) This subchapter shall apply to the exercise of authority by a District Commission under any permit condition issued pursuant to subdivision 6086(a)(5) of this title in which the District Commission has reserved the right to conduct proceedings that may result in assessment and collection of impact fees to support transportation improvements.

and by relettering the remaining subsection to be alphabetically correct

**( Committee Vote: 8-0-3)**

## H. 889

An act relating to setting the statewide education tax base rates and base education amount for fiscal year 2015 and making several changes to Vermont's education financing laws.

**(Rep. Sharpe of Bristol** will speak for the Committee on **Ways and Means.**)

**Rep. Heath of Westford**, for the Committee on **Appropriations**, recommends the bill be amended as follows::

First: In Sec. 4, 16 V.S.A. § 563, in subdivision (11), in subdivision (D), after “spending of \$ \_\_\_\_ per” by inserting the word equalized and after “This projected spending per” by inserting the word equalized

Second: In Sec. 6, 16 V.S.A. § 4015, in subdivision (a)(7), after “in response to 2009 Acts and Resolves No. 153, Sec. 21(1).” by adding a sentence to read: The Secretary may also consider the available capacity of other neighboring schools to enroll additional students.

Third: By striking out Sec. 19 (supplemental property tax relief) in its entirety and inserting in lieu thereof a new Sec. 19 to read:

Sec. 19. Sec. D.104, of H.885, as enacted, is amended in 32 V.S.A. § 308c(a)(2) by striking out subdivisions (A)–(C) in their entirety and inserting in lieu thereof the following:

(A) Of the amount in subdivision (2) of this subsection, upon the recommendation of the economists for the Executive and Legislative Branches, the Emergency Board shall determine what portion of that transfer represents sustainable growth in the coming fiscal year, and an amount not to exceed one-third of that sustainable growth shall be transferred to the Education Fund and an equivalent amount shall be added to the the General Fund transfer under 16 V.S.A. § 4025(a)(2). For the purposes of the recommendations of the economists under this subdivision, any increase in the sustainable growth shall be reduced by the total of any legislative action projected to increase General Fund taxes that result in additional revenue in excess of \$1,000,000.00 over the revenue raised without legislative action in the current fiscal year.

(B) Second, the amount necessary to bring the balance of the Property Tax Relief Fund established under 32 V.S.A. § 6075 up to \$1,000,000.00 shall be transferred to that Fund.

(C) Any remaining amounts from the allocation in this subdivision (a)(2) shall be transferred into the Education Fund.

Fourth: In Sec. 22, by striking out the words “appropriated and”

Fifth: By inserting three new sections to be Secs. 22a, 22b, and 22c to read as follows:

Sec. 22a. EDUCATION ANALYST

The establishment of one (1) new classified position – Education Analyst – in the Agency of Education is authorized in fiscal year 2015 for the purpose of working across the Agency to create tools and indicators for use by education decision makers at the State and local level. The analyst will correlate and otherwise explore connections among the various areas of work within the Agency such as student test scores, attendance, graduation and continuation rates, demographics, district expenditures by category, and staffing patterns. The analyst will assist local and State level decision makers to assess the return on education dollars based on analysis of opportunities provided, cost-effectiveness, and outcomes for a given level of expenditure.

Sec. 22b. BUSINESS MANAGER HANDBOOK

The Agency of Education shall hire a contractor or contractors through the State's procurement process to develop an updated, more comprehensive, business manager handbook that consolidates all the information a business manager would need to perform his or her function in one reference document. This document should establish a uniform chart of accounts and financial reports that are GASB compliant, uniform business rules, a comprehensive section on federal funds and compliance, State funds and compliance, and a blank section for local board policies and internal procedures that each business manager can add to the State-issued handbook.

Sec. 22c. APPROPRIATION

The sum of \$82,500.00 is appropriated from the Supplement Property Tax Relief Fund in 32 V.S.A. § 6075 to the Agency of Education for the purpose of hiring the Education Analyst position in Sec. 22a of this act, and a sum of up to \$400,000.00 is appropriated from the Supplement Property Tax Relief Fund in 32 V.S.A. § 6075 to the Agency of Education to hire a contractor or contractors through the State's procurement process to develop the updated, more comprehensive, business manager handbook in Sec. 22b of this act.

Sixth: In Sec. 25, by striking out subsection (c) in its entirety, and inserting in lieu thereof the following:

(c) 32 V.S.A. § 6075 is repealed on July 1, 2017.

Seventh: In Sec. 26(a), after "22 (appropriation to Education Fund)," by inserting 22a (education analyst), 22b (business manager handbook), 22c (appropriation),

**(Committee Vote 9-2-0)**

**Amendment to be offered by Reps. Strong of Albany and Young of Glover to H. 889**

First: By striking out Secs. 6 and 7 (small school grants) in their entirety and inserting in lieu thereof new Secs. 6 and 7 to read:

Sec. 6. [Deleted.]

Sec. 7. [Deleted.]

Second: By striking out Sec. 26(f) in its entirety and inserting in lieu thereof the following:

(f) [Repealed.]

**Amendment to be offered by Rep. Wright of Burlington to H. 889**

First: By adding a Sec. 24a to read as follows:

Sec. 24a. 16 V.S.A. § 4028(d) is added to read:

(d) By July 1 of each year, the Joint Fiscal Office shall determine the total amount of new unfunded mandates imposed on supervisory unions and school districts for the coming fiscal year. The Joint Fiscal Office shall present this total to the Joint Fiscal Committee at its July meeting. The Joint Fiscal Committee shall review and approve the total, and that amount shall then be added to the General Fund transfer in subdivision 4025(a)(2) of this title for that fiscal year and after. As used in this subsection, an “unfunded mandate” means a State statute or State regulation that requires a supervisory union or school district to perform certain actions, but with no money or funding mechanism in place for fulfilling the requirement.

Second: In Sec. 26(a), after “24 (tuition report).” by inserting 24a (mandates).

**Favorable**

**H. 881**

An act relating to approval of the adoption and the codification of the charter of the Town of Westford

**Rep. Lewis of Berlin**, for the Committee on **Government Operations**, recommends the bill ought to pass.

**( Committee Vote: 10-0-1)**



**S. 296**

An act relating to the Defender General's duty to investigate issues related to the health, safety, and welfare of inmates in correctional facilities

**Rep. Shaw of Pittsford**, for the Committee on **Corrections and Institutions**, recommends that the bill ought to pass in concurrence.

(Committee Vote: 10-0-1)

(For text see Senate Journal February 7, 2014 )

**NOTICE CALENDAR**

**Favorable with Amendment**

**H. 757**

An act relating to exemptions to the Public Records Act

**Rep. Hubert of Milton**, for the Committee on **Government Operations**, recommends the bill be amended by striking all after the enacting clause and inserting in lieu thereof the following:

\* \* \* Rulemaking; Identification of PRA Exemptions \* \* \*

Sec. 1. 3 V.S.A. § 838 is amended to read:

§ 838. FILING OF PROPOSED RULES

(a) Proposed rules shall be filed with the ~~secretary of state~~ Secretary of State. The filing shall include the following:

- (1) a cover sheet;
- (2) an economic impact statement;
- (3) an incorporation by reference statement, if the proposed rule includes an incorporation by reference;
- (4) an adopting page;
- (5) the text of the proposed rule;
- (6) an annotated text showing changes from existing rules;
- (7) an explanation of the strategy for maximizing public input on the proposed rule as prescribed by the ~~interagency committee on administrative rules~~ Interagency Committee on Administrative Rules; and
- (8) a brief summary of the scientific information upon which the proposed rule is based to the extent the proposed rule depends on scientific information for its validity.

(b) The cover sheet shall be on a form prepared by the ~~secretary of state~~ Secretary of State containing at least the following information:

- (1) the name of the agency;
- (2) the title or subject of the rule;
- (3) a concise summary explaining the effect of the rule;
- (4) the specific statutory authority for the rule, and, if none exists, the general statutory authority for the rule;
- (5) an explanation of why the rule is necessary;
- (6) an explanation of the people, enterprises, and government entities affected by the rule;
- (7) a brief summary of the economic impact of the rule;
- (8) the name, address, and telephone number of an individual in the agency able to answer questions and receive comments on the proposal;
- (9) a proposed schedule for completing the requirements of this chapter, including, if there is a hearing scheduled, the date, time, and place of that hearing, and a deadline for receiving comments; ~~and~~
- (10) whether the rule adopts an exemption from inspection and copying of public records or designates information as confidential and, if so, the asserted statutory authority for the exemption or confidentiality designation and a brief summary of the need for the exemption or confidentiality; and
- (11) a signed and dated statement by the adopting authority approving the contents of the filing.

\* \* \*

\* \* \* Short Title \* \* \*

Sec. 2. 1 V.S.A. § 315 is amended to read:

§ 315. STATEMENT OF POLICY; SHORT TITLE

(a) It is the policy of this subchapter to provide for free and open examination of records consistent with Chapter I, Article 6 of the Vermont Constitution. Officers of government are trustees and servants of the people and it is in the public interest to enable any person to review and criticize their decisions even though such examination may cause inconvenience or embarrassment. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Consistent with these principles, the General Assembly hereby declares that certain public records shall be made available to any person as hereinafter provided. To that end, the

provisions of this subchapter shall be liberally construed to implement this policy, and the burden of proof shall be on the public agency to sustain its action.

(b) This subchapter may be known and cited as the Public Records Act or the PRA.

\* \* \* Exemptions to the Public Records Act \* \* \*

\* \* \* Commerce and Historic Preservation-Related Exemptions \* \* \*

### Sec. 3. STATEMENT OF PURPOSE

Sec. 4 of this act repeals 1 V.S.A. § 317(c)(22), which exempted from public inspection and copying any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), provided that all such documents were no longer exempt when a tax credit certification had been granted by the Secretary of Administration unless the disclosure of such records would otherwise violate any provision of Title 32. Subchapters 11C and 11D of 32 V.S.A. chapter 151 were repealed in 2006, and thus the exemption at 1 V.S.A. § 317(c)(22) is no longer needed going forward. However, if the Agency of Commerce and Community Development or any other public agency has custody of records described in the former 1 V.S.A. § 317(c)(22), these records shall remain exempt from public inspection and copying as they were under the former 1 V.S.A. § 317(c)(22).

Sec. 4. 1 V.S.A. § 317(c) is amended to read:

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

\* \* \*

(10) lists of names compiled or obtained by a public agency when disclosure would violate a person's right to privacy or produce public or private gain; ~~provided, however, that this section does not apply to, except~~ lists:

(A) which are by law made available to the public, ~~or to lists;~~

(B) of professional or occupational licensees; ~~or~~

(C) sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability and pursuant to specific guidelines adopted by the editor of the magazine;

\* \* \*

~~(20) information which that would reveal the location of archeological sites and underwater historic properties, except as provided in 22 V.S.A. § 762 761;~~

~~(21) lists of names compiled or obtained by Vermont Life magazine for the purpose of developing and maintaining a subscription list, which list may be sold or rented in the sole discretion of Vermont Life magazine, provided that such discretion is exercised in furtherance of that magazine's continued financial viability, and is exercised pursuant to specific guidelines adopted by the editor of the magazine; [Repealed.]~~

~~(22) any documents filed, received, or maintained by the Agency of Commerce and Community Development with regard to administration of 32 V.S.A. chapter 151, subchapters 11C and 11D (new jobs tax credit; manufacturer's tax credit), except that all such documents shall become public records under this subchapter when a tax credit certification has been granted by the Secretary of Administration, and provided that the disclosure of such documents does not otherwise violate any provision of Title 32; [Repealed.]~~

\* \* \*

~~(30) all code and machine-readable structures of state-funded and controlled State-controlled database applications structures and application code, including the vermontvacation.com website and Travel Planner application, which are known only to certain state State departments engaging in marketing activities and which give the state State an opportunity to obtain a marketing advantage over any other state, regional, or local governmental or nonprofit quasi-governmental entity, or private sector entity, unless any such state State department engaging in marketing activities determines that the license or other voluntary disclosure of such materials is in the state's State's best interests;~~

\* \* \*

~~(40) records of genealogy provided in an application or in support of an application for tribal recognition pursuant to chapter 23 of this title;~~

\* \* \*

Sec. 5. 9 V.S.A. § 4100b is amended to read:

§ 4100b. ENFORCEMENT; TRANSPORTATION BOARD

\* \* \*

(e) The Board shall be empowered to determine the location of hearings, appoint persons to serve at the deposition of out-of-state witnesses, administer oaths, and authorize stenographic or recorded transcripts of proceedings before it. Prior to the hearing on any protest, but no later than 45 days after the filing

of the protest, the Board shall require the parties to the proceeding to attend a prehearing conference in which the Chair or designee shall have the parties address the possibility of settlement. If the matter is not resolved through the conference, the matter shall be placed on the Board's calendar for hearing. ~~Conference discussions~~ Settlement communications shall remain confidential ~~and~~, shall be exempt from public inspection and copying under the Public Records Act, shall not be disclosed ~~or~~, and shall not be used as an admission in any subsequent hearing.

\* \* \*

\* \* \* Education-Related Exemptions \* \* \*

Sec. 6. 1 V.S.A. § 317(c) is amended to read:

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

\* \* \*

(11) student records, including records of a home study student, ~~at educational institutions or agencies funded wholly or in part by State revenue;~~ provided, however, that such records shall be made available upon request under the provisions of the Federal Family Educational Rights and Privacy Act of 1974 (~~P.L. 93-380~~) and as, 20 U.S.C. § 1232g, as may be amended;

\* \* \*

(23) any data, records, or information ~~developed, discovered, collected, or received~~ produced or acquired by or on behalf of faculty, staff, employees, or students of the University of Vermont or the Vermont ~~state colleges~~ State Colleges in the conduct of study, research, or creative efforts on medical, scientific, technical, scholarly, or artistic matters, whether such activities are sponsored alone by the institution or in conjunction with a governmental body or private entity, until such data, records, or information ~~are~~ is published, disclosed in an issued patent, or publicly released by the institution or its authorized agents. This subdivision applies to, ~~but is not limited to,~~ research notes and laboratory notebooks, lecture notes, manuscripts, creative works, correspondence, research proposals and agreements, methodologies, protocols, and the identities of or any personally identifiable information about participants in research. This subdivision shall not apply to records, other than research protocols, produced or acquired by an institutional animal care and use committee regarding the committee's compliance with State law or federal law regarding or regulating animal care;

\* \* \*

Sec. 7. 16 V.S.A. § 2826 is added to read:

§ 2826. CONFIDENTIALITY OF PERSONALLY IDENTIFYING INFORMATION

Except as otherwise provided by law, or by consent of the individual, information that directly or indirectly identifies applicants, recipients, beneficiaries, or participants in programs administered by the Corporation, including grant, loan, scholarship, outreach, or investment plan programs, shall not be released and shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(7).

Sec. 8. 16 V.S.A. § 2843 is amended to read:

§ 2843. APPLICATIONS, CERTIFICATES, AND REPORTS

(a) The recipient must apply for an incentive grant at least annually. Grants may be for a maximum of five full-time equivalent school years.

(b) Each applicant for an incentive grant shall furnish a certificate of income with the application. Attached to the certificate shall be a form of consent, executed by the student and any other required persons, granting permission to the Vermont ~~commissioner of taxes~~ Commissioner of Taxes to disclose the income tax information required by subsection (c) of this section.

(c) The Vermont ~~commissioner of taxes~~ Commissioner of Taxes, when requested by the ~~corporation~~ Corporation, shall compare any certificate filed pursuant to this subchapter with the ~~state~~ State income tax returns filed by the persons making such certificate and shall report any instances of discrepancy to the corporation.

~~(d) Except as otherwise provided in this subchapter or other applicable law or court order, or by agreement of the applicant, certificates and reports made to the corporation under this section shall be confidential, and it shall be unlawful for anyone to divulge the amount of income or any particulars set forth in a certificate or any report made to an applicant or the corporation. Nothing herein shall be construed to prevent the publication of statistical data as long as the identification of particular individuals, certificates, and reports is prevented. [Repealed.]~~

\* \* \* Financial Regulation-Related Exemptions \* \* \*

Sec. 9. 1 V.S.A. § 317(c) is amended to read:

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

\* \* \*

(26) information and records provided to the Department of Financial Regulation by ~~an individual~~ a person for the purposes of having the ~~department~~ Department assist that ~~individual~~ person in resolving a dispute with any person

~~or company~~ regulated by the Department, and any information or records provided by a ~~company or any other~~ person in connection with the ~~individual's~~ dispute;

\* \* \*

(36) anti-fraud plans and summaries submitted ~~by insurers to the Department of Financial Regulation~~ for the purposes of complying with 8 V.S.A. § 4750;

\* \* \*

Sec. 10. 8 V.S.A. § 3839 is amended to read:

#### § 3839. REPORTING REQUIREMENTS AND PRIVACY

(a) Each life settlement provider shall file with the ~~commissioner~~ Commissioner on or before March 1 of each year an annual statement containing such information as the ~~commissioner~~ Commissioner may prescribe by rule or order. Information relating to life settlement transactions shall be limited to only those transactions where the policy owner is a resident of this state. Upon proper request by the filer, the ~~commissioner~~ Commissioner shall maintain the confidentiality of and not release trade secret information exempt from public inspection and copying under 1 V.S.A. § 317(c)(9). The annual statement shall not contain ~~individually identifiable~~ individually identifiable life settlement transaction information, but such information shall be provided to the ~~commissioner~~ Commissioner pursuant to section 3840 of this title. If available to the provider because of the provider's business relationship or affiliation with one or more life settlement purchasers, the annual statement shall also include such information as the ~~commissioner~~ Commissioner may prescribe by rule or by order concerning life settlement purchase agreements or similar investment contracts entered into by residents of this ~~state~~ State.

\* \* \*

Sec. 11. 8 V.S.A. § 4488(5) is amended to read:

(5) Notice of termination of appointment of insurance agent. Every society doing business in this State shall, upon the termination of the appointment of any insurance agent licensed to represent it in this ~~state~~ State, forthwith file with the Commissioner of Financial Regulation, a statement, in such form as he or she may prescribe, of the facts relative to the termination and the cause thereof. Every statement made pursuant to this section ~~shall be deemed a~~ is confidential and privileged communication ~~to the same extent as provided under subsection 4813m(f) of this title.~~

Sec. 12. 8 V.S.A. § 7041(e) is amended to read:

(e) The notice of hearing held under subsection (a) of this section and any

order issued pursuant to subsection (a) shall be served upon the insurer pursuant to the provisions of 3 V.S.A. chapter 25. The notice of hearing shall state the time and place of hearing, and the conduct, condition or ground upon which the Commissioner may base his or her order. Unless mutually agreed between the Commissioner and the insurer, the hearing shall occur not less than ten days nor more than 30 days after notice is served and shall be held at the offices of the Department of Financial Regulation or in some other place convenient to the parties as determined by the Commissioner. ~~Hearings~~ Unless the insurer requests a public hearing, hearings under subsection (a) of this section shall be private and ~~shall not be subject to the provisions of 1 V.S.A. chapter 5, subchapters 2 and 3 (public information and access to public records), unless the insurer requests a public hearing exempt from the requirements of the Open Meeting Law, and records of such hearings shall be exempt from public inspection and copying under the Public Records Act.~~

\* \* \* Health Care-Related Exemptions \* \* \*

Sec. 13. 1 V.S.A. § 317(c)(38) is amended to read:

(38) ~~records held by the agency of human services, which include prescription information containing prescriber identifiable data, that could be used to identify a prescriber, except that the records shall be made available upon request for medical research, consistent with and for purposes expressed in 18 V.S.A. §§ 4621, 4631, 4632, 4633, and 4622 or 9410 and, 18 V.S.A. chapter 84, or as provided for in 18 V.S.A. chapter or 84A, and for other law enforcement activities;~~

Sec. 14. 8 V.S.A. § 4089a is amended to read:

§ 4089a. MENTAL HEALTH CARE SERVICES REVIEW

\* \* \*

(i) ~~The confidentiality of any health care information acquired by or provided to the an independent panel of mental health professionals or to an independent review organization pursuant to section 4089f of this title shall be maintained in compliance with any applicable State or federal laws. The independent panel shall not constitute a public agency 1 V.S.A. § 317(a), or a public body under section 310 of Title 1. Records of, and internal materials prepared for, specific reviews under this section shall be exempt from public disclosure under 1 V.S.A. § 316.~~

Sec. 15. 18 V.S.A. § 7103 is amended to read:

§ 7103. DISCLOSURE OF INFORMATION

(a) All certificates, applications, records, and reports, other than an order of a court made for the purposes of this part of this title, ~~and which~~ that directly or



indirectly ~~identifying~~ identifies a patient or former patient or an individual whose hospitalization or care has been sought or provided under this part, together with clinical information relating to such persons, shall be kept confidential and shall not be disclosed by any person except ~~insofar~~:

(1) as the following persons have consented to disclosure in writing:

(A) the individual identified; in the records;

(B) the individual's ~~health care~~ agent under ~~subsection 5264~~ an advance directive that has become effective under section 9706 of this title; or

(C) the individual's legal guardian, if any (~~or, or, if the individual is an unemancipated minor, his or her parent or legal guardian~~), shall consent in writing guardian; or

(2) to a person specifically authorized by the individual to receive health care information under an advance directive that has become effective under section 9706 of this title;

(3) as disclosure may be necessary to carry out any of the provisions of this part; or

~~(3)~~(4) as a court may direct upon its determination that disclosure is necessary for the conduct of proceedings before it and that failure to make disclosure would be contrary to the public interest.

(b) Nothing in this section shall preclude disclosure, upon proper inquiry, of information concerning an individual's medical condition to the individual's family, clergy, physician, attorney, the individual's health care agent under section 5264 of this title, a person to whom disclosure is authorized by a validly executed durable power of attorney for health care, or to an interested party a person authorized by law.

\* \* \*

## Sec. 16. IDENTITY OF VERMONT STATE HOSPITAL PATIENTS

### BURIED ON HOSPITAL GROUNDS FROM 1892 TO 1913

Consistent with the intent of Joint Resolution No. R-109 (2013) to preserve the memory of individuals buried in the cemetery and on the grounds of the former Vermont State Hospital in Waterbury, and to enable the identification of individuals buried in unmarked graves so that these individuals will not be left unknown, the State of Vermont may release records dating from 1892 to 1913 that identify patients of the former Vermont State Hospital in Waterbury, but only to the extent necessary to assist in the identification of patients buried in the Hospital's cemetery or on its grounds in unmarked graves from 1892 to 1913.

\* \* \* Human Services-Related Exemptions \* \* \*

Sec. 17. 33 V.S.A. § 105(c) is amended to read:

(c) In addition to other duties imposed by law, the ~~commissioner~~ Commissioner shall:

(1) ~~Administer~~ administer the laws assigned to the ~~department~~ Department; and

(2) ~~Fix~~ fix standards and issue regulations necessary to administer those laws and for the custody and preservation of records of the ~~department~~. ~~Those regulations shall contain provisions restricting the use or disclosure of information contained in the records to purposes directly connected with the administration of the department. As used in this subdivision, the word "records" includes records, papers, files and communications~~ Department.

\* \* \*

Sec. 18. 33 V.S.A. § 111 is amended to read:

§ 111. RECORDS, RESTRICTIONS, PENALTIES

(a) The names of or information pertaining to applicants for or recipients of assistance or benefits, including information obtained under section 112 of this title, shall not be disclosed to anyone, except for the purposes directly connected with the administration of the ~~department~~ Department or when required by law.

(b) A person shall not:

(1) ~~Publish~~ publish, use, disclose, or divulge any of those records for purposes not directly connected with the administration of programs of the ~~department~~ Department, or contrary to regulations issued by the ~~commissioner~~; or

(2) ~~Use any records of the department of any kind or description for political or commercial purposes, or purposes not authorized by law~~ Commissioner.

Sec. 19. 33 V.S.A. § 908 is amended to read:

§ 908. POWERS AND DUTIES

(a) Each nursing home or other provider shall file with the ~~division~~ Division, on request, such data, statistics, schedules, or information as the ~~division~~ Division may require to enable it to carry out its function. Information received from a nursing home under this section shall be available to the public, except that the specific salary and wage rates of employees, other than the salary of an administrator, shall not be disclosed unless disclosure is

required under 1 V.S.A. § 317(b).

(b) The ~~division~~ Division shall have the power to examine books and accounts of any nursing home or other provider caring for ~~state-assisted~~ State-assisted persons, to subpoena witnesses and documents, to administer oaths to witnesses and to examine them on all matters of which the ~~division~~ Division has jurisdiction.

(c) The ~~secretary~~ Secretary shall adopt all rules and regulations necessary for the implementation of this chapter.

Sec. 20. 33 V.S.A. § 2010(e) is amended to read:

(e) Notwithstanding any provision of law to the contrary, information submitted to the Department under this section ~~is confidential and is not a public record as defined in 1 V.S.A. § 317(b)~~ shall be exempt from public inspection and copying under the Public Records Act and shall not be released. Disclosure may be made by the Department to an entity providing services to the Department under this section; however, that disclosure does not change the confidential status of the information. The information may be used by the entity only for the purpose specified by the Department in its contract with the entity. Data compiled in aggregate form by the Department for the purposes of reporting required by this section are public records as defined in 1 V.S.A. § 317(b), provided they do not reveal trade information protected by State or federal law.

\* \* \* Natural Resources-Related Exemptions \* \* \*

Sec. 21. 10 V.S.A. § 101 is amended to read:

§ 101. DIVISION OF GEOLOGY AND MINERAL RESOURCES; DUTIES

The ~~division of geology and mineral resources~~ Division of Geology and Mineral Resources shall:

\* \* \*

(6) Maintain records of old and new information relating to the geology, mineral resources, and topography of the state ~~and make public new information resulting from research and field studies conducted by or for the division. Certain information provided by the mineral industries of the state may be held in confidential status at the industries' request and used only for purposes and in a manner permitted by the industry~~ State.

(7) Prepare and publish reports on the geology, mineral resources, and topography of the state State.

Sec. 22. 10 V.S.A. § 1259 is amended to read:

§ 1259. PROHIBITIONS

(a) No person shall discharge any waste, substance, or material into waters of the State, nor shall any person discharge any waste, substance, or material into an injection well or discharge into a publicly owned treatment works any waste which interferes with, passes through without treatment, or is otherwise incompatible with those works or would have a substantial adverse effect on those works or on water quality, without first obtaining a permit for that discharge from the Secretary. This subsection shall not prohibit the proper application of fertilizer to fields and crops, nor reduce or affect the authority or policy declared in Joint House Resolution 7 of the 1971 Session of the General Assembly.

(b) Any records, ~~reports~~ or information obtained under this permit program ~~shall be available to the public for inspection and copying. However, upon a showing satisfactory to the Secretary that any records, reports or information or part thereof, other than effluent data, would, if made public, divulge methods or processes entitled to protection as that constitute trade secrets, the Secretary shall treat and protect those records, reports or information as confidential. Any~~ shall be exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and shall not be released, except that such records, ~~reports~~ or information ~~accorded confidential treatment~~ will be disclosed to authorized representatives of the State and the United States when relevant to any proceedings under this chapter.

Sec. 23. 10 V.S.A. § 6628 is amended to read:

§ 6628. PLAN, PLAN SUMMARY, AND PERFORMANCE REPORT REVIEW

(a) Except as provided for in this section, a ~~toxics use reduction and hazardous waste reduction plan~~ Toxics Use Reduction and Hazardous Waste Reduction Plan developed under this subchapter shall be retained at the facility and is not a public record under 1 V.S.A. § 317. If a person developing a Toxics Use Reduction and Hazardous Waste Reduction Plan under this chapter chooses to send all or a portion of the plan to the Secretary for review, it ~~shall~~ shall not be a public record exempt from public inspection and copying under 1 V.S.A. § 317(c)(9) and shall not be released. A plan summary submitted pursuant to section 6629 of this title shall be submitted to the Secretary and shall be a public record.

\* \* \*

Sec. 24. 10 V.S.A. § 6632 is amended to read:

§ 6632. TRADE SECRETS

The ~~secretary~~ Secretary shall adopt rules to ensure that trade secrets designated by a generator in all or a portion of the review and plans, and the

report required by this subchapter, ~~are utilized~~ which are exempt from public inspection and copying under 1 V.S.A. § 317(c)(9), shall be used by the ~~secretary or Secretary, the department~~ Department, and any authorized ~~representative of the Department~~ only in connection with the responsibilities of the department Department pursuant to this subchapter, and ~~that those trade secrets are not otherwise disseminated by the secretary, the department, or any authorized representative of the department. The rules shall provide that a generator may only designate as trade secrets those that satisfy the criteria for trade secrets set forth in 18 V.S.A. § 1728(a)~~ shall not be released.

\* \* \* Public Service Corporation-Related Exemptions \* \* \*

Sec. 25. 30 V.S.A. § 206 is amended to read:

#### § 206. INFORMATION TO BE FURNISHED DEPARTMENT

On request by the ~~department of public service~~ Department of Public Service, a company owning or operating a plant, line, or property subject to supervision under this chapter shall furnish the ~~department~~ Department information required by it concerning the condition, operation, management, expense of maintenance and operation, cost of production, rates charged for service or for product, contracts, obligations, and the financial standing of such company. It shall also inform the ~~department~~ Department of the salaries of, the pensions, option, or benefit programs affecting, and the expenses reimbursed to, its officers or directors, or both. ~~Such information shall be open to public inspection at reasonable times and any person shall be entitled to copies thereof. Information exacted for use by the department in a particular instance shall not be made public, except in the discretion of the department.~~

\* \* \* Trade Secrets \* \* \*

Sec. 26. 1 V.S.A. § 317(c)(9) is amended to read:

(9) trade secrets, meaning confidential business records or information, including any formulae, plan, pattern, process, tool, mechanism, compound, procedure, production data, or compilation of information which is not patented, which is known only to certain individuals within a commercial concern a commercial concern makes efforts that are reasonable under the circumstances to keep secret, and which gives its user or owner an opportunity to obtain business advantage over competitors who do not know it or use it, except that the disclosures required by 18 V.S.A. § 4632 shall not be included in are not exempt under this subdivision;

\* \* \* Transportation and Motor Vehicle-Related Exemptions \* \* \*

Sec. 27. 23 V.S.A. § 707 is amended to read:

#### § 707. RECORDS REQUIRED; MAINTENANCE OF VEHICLES

Every driver's training school licensee shall keep a record on such forms as the ~~commissioner~~ Commissioner may prescribe showing the name and address of each instructor, the instruction license number of such instructor, the particular type of instruction given and how much time was given to each type of instruction, and such other information as the ~~commissioner~~ Commissioner may require. Such record shall be open to the inspection of the ~~department~~ Department at all reasonable times ~~but shall be for the confidential use of the department.~~ Individually identifying information about students may be exempt from public inspection and copying under 1 V.S.A. § 317(c)(7). Every driver's training school licensee shall maintain all vehicles used in driver training in safe mechanical condition at all times.

\* \* \* List of Statutory PRA Exemptions \* \* \*

Sec. 28. 1 V.S.A. § 317(d) is added to read:

(d) On or before December 1, 2014, the Office of Legislative Council shall compile a list of all Public Records Act exemptions found in the Vermont Statutes Annotated. In compiling the list, the Office of Legislative Council shall consult with the Attorney General's office. The list shall be updated no less often than every two years, and shall be arranged by subject area, and in order by title and section number. The list, and any updates thereto, shall be posted on the websites of the General Assembly, the Secretary of State's Office, the Attorney General's Office, and the State Library, and shall be sent to the Vermont League of Cities and Towns.

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

Sec. 29. EFFECTIVE DATE

This act shall take effect on July 1, 2014.

( **Committee Vote: 11-0-0** )

**Favorable**

**H. 888**

An act relating to approval of amendments to the charter of the Town of Milton

**Rep. Hubert of Milton**, for the Committee on **Government Operations**, recommends the bill ought to pass.

( **Committee Vote: 11-0-0** )

**J.R.S. 47**

Joint resolution relating to the approval of State land transactions

**Rep. Macaig of Williston**, for the Committee on **Corrections and Institutions**, recommends that the resolution ought to pass in concurrence.

**(Committee Vote: 10-0-1)**

**(For text see House Journal March 12, 2014 )**

**Senate Proposal of Amendment**

**H. 583**

An act relating to the charge of the Vermont Child Poverty Council

The Senate proposes to the House to amend the bill by striking all after the enacting clause and inserting in lieu thereof the following:

Sec. 1. 2007 Acts and Resolves No. 68, Sec. 1 is amended to read:

Sec. 1. VERMONT CHILD POVERTY COUNCIL

\* \* \*

(b)(1) The ~~council~~ Council shall consist of the following members or their designees:

(A) the ~~president pro tempore of the senate~~ President Pro Tempore of the Senate;

(B) the ~~speaker of the house of representatives~~ Speaker of the House of Representatives;

(C) the ~~chair of the senate committee on health and welfare~~ Chair of the Senate Committee on Health and Welfare;

(D) the ~~chair of the house committee on human services~~ Chair of the House Committee on Human Services;

(E) the ~~chair of the senate committee on education~~ Chair of the Senate Committee on Education;

(F) the ~~chair of the house committee on education~~ Chair of the House Committee on Education;

(G) the ~~commissioners of the departments for children and families; of health; of education; and of labor~~ Commissioners for Children and Families; of Health; and of Labor; and the Secretaries of Human Services and of Education; and

(H) one representative each from Voices for Vermont's Children, the

~~Vermont low income advocacy council~~ Low Income Advocacy Council,  
Vermont Legal Aid, and the Vermont ~~superintendents' association~~  
Superintendents' Association.

\* \* \*

(3) The ~~council~~ Council shall meet up to six times while the ~~general assembly~~ General Assembly is not in session to perform its functions under this section. ~~In addition, during the 2007 legislative interim, the council shall hold 14 public hearings as required under subsection (d) of this section. The Council may meet an unlimited number of times during the legislative session, but legislative Council members shall not receive compensation and reimbursement for expenses pursuant to subsection (e) of this section for participation in meetings during the legislative session.~~

(e) Funds from private and public sources may be accepted and utilized by the ~~council~~ Council to develop and implement the plan and provisions of this section. ~~Legislative For participation in meetings during the legislative interim, legislative members of the committee~~ Council shall be entitled to compensation and reimbursement for expenses under ~~section 406 of Title 2~~ 2 V.S.A. § 406. ~~All other members not receiving compensation for service on the committee from another source are entitled to compensation under section 1010 of Title 32. Nonlegislative members who are not otherwise compensated and reimbursed for their participation on the Council shall be entitled to receive compensation and reimbursement of expenses under 32 V.S.A. § 1010.~~

\* \* \*

## Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

(For text see House Journal February 21, 2014 )

### **H. 676**

An act relating to regulation of land uses within flood hazard areas

The Senate proposes to the House to amend the bill as follows:

In Sec. 1, 10 V.S.A. § 754, in subsection (f), after the phrase “flood hazard area,” by inserting the words or river corridor and after the words “chapter 117” by inserting the words or commence construction of a State-owned and – operated institution or facility located within a flood hazard area or river corridor.

(For text see House Journal 2/20/2014 )



## **Consent Calendar**

### **Concurrent Resolutions**

The following concurrent resolutions have been introduced for approval by the Senate and House and will be adopted automatically unless a Senator or Representative requests floor consideration before the end of the session of the next legislative day. Requests for floor consideration in either chamber should be communicated to the Secretary's office and/or the House Clerk's office, respectively. For text of resolutions, see Addendum to House Calendar and Senate Calendar.

#### **H.C.R. 286**

House concurrent resolution in memory of former Senator and Chittenden County Assistant Judge Thomas M. Crowley of South Burlington

#### **H.C.R. 287**

House concurrent resolution congratulating the 2014 Essex High School Hornets Metro Division girls' hockey championship team

#### **H.C.R. 288**

House concurrent resolution congratulating the 2014 Essex High School Division I championship cheerleading team

#### **H.C.R. 289**

House concurrent resolution honoring Patricia Palencsar for her leadership at Green Mountain RSVP & Volunteer Center

#### **H.C.R. 290**

House concurrent resolution designating April 2014 as Autism Awareness Month

#### **H.C.R. 291**

House concurrent resolution congratulating the 2014 Poultney High School Division II championship cheerleading team

#### **H.C.R. 292**

House concurrent resolution honoring Richard Andrews as a conservationist and hiking recreational leader

### **Information Notice**

#### **SENATE APPROPRIATIONS COMMITTEE**

##### **FY 2015 Budget**

##### **ADVOCATES TESTIMONY**

On **Wednesday, April 9, 2014** beginning at **9:30 am**, the Senate Appropriations Committee will be taking testimony from advocates regarding the Fiscal Year 2015 Budget (H.885) in Room 10 of the State House. To schedule time before the Committee contact Becky Buck at the Legislative Joint Fiscal Office located at 1 Baldwin Street (phone: 828-5969).

### **Joint Assembly**

Thursday, April 10, 2014 - 10:30 A.M. - Election of one (1) successor legislative Trustee of the University of Vermont and State Agricultural College.

Candidates for the position of trustee must notify the Secretary of State in writing not later than Thursday, April 3, 2014, by 5:00 P.M. pursuant to the provisions of 2 V.S.A. § 12(b). Otherwise their names will not appear on the ballots for this position.

The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be presented in alphabetical order prior to voting.

Second: There will be only one nominating speech of not more than three (3) minutes and not more than two seconding speeches of not more than one (1) minute each for each nominee.