

Journal of the Senate

THURSDAY, APRIL 10, 2014

The Senate was called to order by the President.

Devotional Exercises

A moment of silence was observed in lieu of devotions.

Bill Referred to Committee on Appropriations

H. 871.

House bill of the following title, appearing on the Calendar for notice, and carrying an appropriation or requiring the expenditure of funds, under the rule, was referred to the Committee on Appropriations:

An act relating to miscellaneous pension changes.

Bills Referred

House bills of the following titles were severally read the first time and referred:

H. 757.

An act relating to exemptions to the Public Records Act.

To the Committee on Rules.

H. 888.

An act relating to approval of amendments to the charter of the Town of Milton.

To the Committee on Rules.

Joint Assembly

At ten o'clock and thirty minutes in the morning, the hour having arrived for the meeting of the two Houses in Joint Assembly pursuant to:

J.R.S. 51. Joint resolution providing for a Joint Assembly for the election of a successor legislative Trustees of the University of Vermont and State Agricultural College to fill the vacancy created by the resignation of Representative Sarah E. Buxton of Tunbridge.

The Senate repaired to the hall of the House.

Having returned therefrom, at ten o'clock and forty-five minutes in the morning, the President assumed the Chair.

Adjournment

On motion of Senator Campbell, the Senate adjourned until one o'clock in the afternoon.

Called to Order

The Senate was called to order by the President.

Proposals of Amendment; Bill Passed in Concurrence with Proposals of Amendment

H. 589.

House bill entitled:

An act relating to hunting, fishing, and trapping.

Was taken up.

Thereupon, pending third reading of the bill, Senator Hartwell moved to amend the Senate proposal of amendment as follows:

First: By striking out the *second* proposal of amendment in its entirety and inserting in lieu thereof the following new proposal of amendment:

Second: In Sec. 8, 10 V.S.A. § 4705, by striking out subsection (c) in its entirety and inserting in lieu thereof a new subsection (c) to read as follows:

(c) A person while on or within 25 feet of the traveled portion of a public highway, except a public highway designated Class 4 on a town highway map, shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person while on or within the traveled portion of public highway designated Class 4 on a town highway map shall not take or attempt to take any wild animal by shooting a firearm, a muzzle loader, a bow and arrow, or a crossbow. A person shall not shoot a firearm, muzzle loader, a bow and arrow, or a crossbow over or across the traveled portion of a public highway, except for a person shooting over or across the traveled portion of a public highway from a sport shooting range, as that term is defined in section 5227 of this title, provided that:

(1) the sport shooting range was established before January 1, 2014; and

(2) the operators of the sport shooting range post signage warning users of the public highway of the potential danger from the sport shooting range.

and in subsection (f), after “means roads” and before “shown on” by inserting , including Class 4 roads,

Second: By striking out the *fifth* proposal of amendment in its entirety and inserting in lieu thereof three new proposals of amendment to read as follows:

Fifth: By striking out Sec. 3a (JFO report on hunting licenses for disabled veterans) in its entirety and inserting in lieu thereof the following:

Sec. 3a. [Deleted.]

Sixth: By striking out Sec. 10 (conservation registration plates) in its entirety and inserting in lieu thereof the following:

Sec. 10. [Deleted.]

Seventh: By adding a new section to be numbered Sec. 16 to read as follows:

Sec. 16. EFFECTIVE DATES

(a) This section and Secs. 1–2 (landowner exception; captive hunt; definitions), 3 (license for disabled veteran), 8 (shooting from or across highway), and 15 (training hunting dogs; raccoon season shall take effect on passage.

(b) Secs. 4 (migrating game bird harvest numbers), 11–13 (cultural and ceremonial use of bird feathers), 14 (State Fly-Fishing Fly), and 15a (State Fossils) shall take effect on July 1, 2014.

(c) Secs. 5–7 (deer season rules) shall take effect on January 1, 2015.

(d) Sec. 9 (conservation plates; proceeds) shall take effect 90 days after the Commissioner of Motor Vehicles issues three new conservation registration plates under 23 V.S.A. § 304b for use by the public.

Which was agreed to.

Senator Collins moved that the Senate proposal of amendment be amended as follows:

First: By inserting a new section to be numbered Sec. 15b to read as follows:

Sec. 15b. 1 V.S.A. § 518 is added to read:

§ 518. STATE REPTILE

The State Reptile shall be the Painted Turtle.

Second: In Sec. 16 (Effective Dates), by striking out subsection (b) and inserting in lieu thereof a new subsection (b) to read:

(b) Secs. 4 (migrating game bird harvest numbers), 10 (conservation registration plates report), 11–13 (cultural and ceremonial use of bird feathers),

14 (State Fly-Fishing Fly), 15a (State Fossils) and 15b (State Reptile) shall take effect on July 1, 2014.

Which was disagreed to.

Thereupon, the bill was read the third time and passed in concurrence with proposals of amendment.

Consideration Resumed; Proposal of Amendment; Third Reading Ordered

H. 356.

Consideration was resumed on Senate bill entitled:

An act relating to prohibiting littering in or on the waters of the State.

Thereupon, pending the question, Shall the Senate propose to the House to amend the bill as proposed by the Committee on Natural Resources?, Senator Rodgers moved that the proposal of the Committee on Natural Resources and Energy be amended in Sec. 1, 24 V.S.A. § 2201, by striking out subdivision (a)(1) and inserting in lieu thereof a new subdivision (a)(1) to read as follows:

(a)(1) Prohibition. Every person shall be responsible for proper disposal of his or her own solid waste. A person shall not throw, dump, deposit, cause, or permit to be thrown, dumped, or deposited any solid waste as defined in 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing in or on lands or waters of the State outside a solid waste management facility certified by the Agency of Natural Resources.

Which was agreed to.

Thereupon, the question, Shall the Senate propose to the House to amend the bill as proposed by the Committee on Natural Resources, as amended?, was agreed to and third reading of the bill was ordered.

Proposals of Amendment; Third Reading Ordered

H. 123.

Senator Ayer, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to Lyme disease and other tick-borne illnesses.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: By striking out Sec. 3 in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. POLICY STATEMENT

A policy statement clearly communicating the following shall be issued by the Vermont State Board of Medical Practice to physicians licensed pursuant to 26 V.S.A. chapter 23 and to physician assistants licensed pursuant to 26 V.S.A. chapter 31; the Vermont Board of Osteopathic Physicians to physicians licensed pursuant to 26 V.S.A. chapter 33; the Office of Professional Regulation to naturopathic physicians licensed pursuant to 26 V.S.A. chapter 81; and the Vermont Board of Nursing to advanced practice registered nurses licensed pursuant to 26 V.S.A. chapter 28:

(1) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall document the basis for diagnosis of and treatment for Lyme disease, other tick-borne illness, or coinfection in a patient's medical record;

(2) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall obtain a patient's informed consent regarding the potential inaccuracy of a diagnostic Lyme disease test prior to its administration;

(3) a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, shall obtain a patient's informed consent in writing prior to administering any proposed long-term treatment for Lyme disease, other tick-borne illness, or coinfection; and

(4) the Board or Office of Professional Regulation shall not pursue disciplinary action against a physician, physician assistant, naturopathic physician, or nurse practitioner, as appropriate, solely for the use of medical care recognized by the guidelines of the Centers for Disease Control and Prevention, Infectious Diseases Society of America, or International Lyme and Associated Diseases Society for the treatment of a patient's symptoms when the patient is clinically diagnosed with Lyme disease or other tick-borne illness; however, this does not preclude discipline for errors, omissions, or other unprofessional conduct when practicing within such guidelines.

Second: By adding a new section to be numbered Sec. 4 to read as follows:

Sec. 4. REPORT

On or before January 15, 2016, the Commissioner of Health shall report to the House Committee on Health Care and to the Senate Committee on Health and Welfare on the following:

(1) the trends in the spread of Lyme disease and other tick-borne illnesses throughout Vermont, including a description of the surveillance criteria used in evaluating the spread of these diseases; and

(2) the Department of Health's public education initiatives to date regarding the prevention and treatment of Lyme disease and other tick-borne illnesses, including an assessment of each initiative's effectiveness.

And by renumbering the remaining section of the bill to be numerically correct.

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered on a roll call, Yeas 27, Nays 0.

Senator Collins having demanded the yeas and nays, they were taken and are as follows:

Roll Call

Those Senators who voted in the affirmative were: Ashe, Ayer, Baruth, Benning, Bray, Campbell, Collins, Cummings, Flory, French, Hartwell, Kitchel, Lyons, MacDonald, Mazza, McAllister, McCormack, Nitka, Pollina, Rodgers, Sears, Sirotkin, Snelling, Starr, Westman, White, Zuckerman.

Those Senators who voted in the negative were: None.

Those Senators absent and not voting were: Doyle, Galbraith, Mullin.

Proposals of Amendment; Third Reading Ordered

H. 373.

Senator Ayer, for the Committee on Health and Welfare, to which was referred House bill entitled:

An act relating to updating and reorganizing Title 33.

Reported recommending that the Senate propose to the House to amend the bill as follows:

First: In Sec. 112, 15 V.S.A. § 1140(b), in subdivisions (10) and (13), by striking out "Network Against Domestic Violence and Sexual Assault" and inserting in lieu thereof Network Against Domestic and Sexual Violence

Second: In Sec. 135, effective dates, after the following: "§ 4809" by inserting the word shall

And that the bill ought to pass in concurrence with such proposals of amendment.

Thereupon, the bill was read the second time by title only pursuant to Rule 43, and the proposals of amendment were collectively agreed to, and third reading of the bill was ordered.

**House Proposal of Amendment Not Concurred In; Committee of
Conference Requested**

S. 86.

House proposal of amendment to Senate bill entitled:

An act relating to miscellaneous changes to election laws.

Was taken up.

The House proposes to the Senate to amend the bill by striking out 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 AND TURNING 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 senator, or state, county, or congressional officers to be counted or the ballot box containing the same to be turned before the hour set by the ~~legislative branch~~ Legislative Branch for closing 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 ~~wilfully~~ 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 or freewoman with intent to influence his or her vote at ~~an~~ a local, primary, or general 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.

§ 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~~ 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~~ political subdivision in addition to being posted at the town clerk's office; however, in a town 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 political subdivision, 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) 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. 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

* * *

(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 the town in which the applicant was last registered to vote, whether within or without the ~~state~~ State of Vermont, 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. 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~~ Secretary of State not later than ~~five~~ two 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. 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 town clerk of the town of the applicant not later than five days after the date of acceptance.

§ 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 or the town clerk 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.

* * *

* * * Party Organization * * *

Sec. 4. 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. 5. 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~~ President and ~~vice president~~ Vice President of the United States, their electors, and justices of the peace.

Sec. 6. 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 Monday in May~~ fourth Monday in April and not later than 5:00 p.m. on the ~~second Thursday after the first Monday in June~~ third Thursday after the first Monday in May preceding the primary election prescribed by section 2351 of this title; and not later than 5:00 p.m. of the 62nd day prior to the day of a special primary election.

(b) Statements of nomination for independent candidates shall be filed no sooner than the fourth Monday in April and not later than three days after the date of the primary election as set forth in section 2351 of this chapter.

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

Sec. 7. 17 V.S.A. § 2358 is amended to read:

§ 2358. EXAMINING PETITIONS, SUPPLEMENTARY PETITIONS

(a) The officer with whom primary petitions are filed shall examine them and ascertain whether they contain a sufficient number of legible signatures. The officer shall not attempt to ascertain whether there are a sufficient number of signatures of actual voters, however, unless the officer has reason to believe that the petitions are defective in this respect.

(b) If found not to conform, he or she shall state in writing on a particular petition why it cannot be accepted, and within 72 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than ~~10~~ five days after the date for filing petitions. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the required number were not received by the filing deadline.

(c) A signature shall not count for the purpose of meeting the requirements of section 2355 of this title if the officer with whom primary petitions are filed:

(1) cannot identify the name of the person who signed; or

(2) if necessary, determines that the person is not on the checklist of the town which the person indicates as his or her town of residence.

(d) An officer with whom primary petitions may be filed may obtain from the appropriate town clerks certified copies of current checklists as needed to verify the adequacy of primary petitions; ~~town.~~ Town clerks who are asked by a filing officer to furnish certified copies of checklists for this purpose shall furnish the copies promptly and without charge.

Sec. 8. 17 V.S.A. § 2368 is amended to read:

§ 2368. CANVASSING COMMITTEE MEETINGS

After the primary election is conducted,:

(1) the canvassing committee for state and national offices and statewide public questions shall meet at 10 a.m. ~~one week~~ on the second Tuesday after the day of the election. ~~The;~~

(2) the canvassing committee for county offices and countywide public questions and state senator shall meet at 10 a.m. on the third day following the election. ~~The; and~~

(3) the canvassing committees for local offices and local public questions, including state representative, shall meet at 10 a.m on the day after the election, except that in the case of canvassing committees for state

representative in multi-town representative districts, the committees shall meet at 10 a.m. on the third day after the election.

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

§ 2370. WRITE-IN CANDIDATES

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. 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 before he or she becomes the party's candidate in the general election.

Sec. 10. 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) ~~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. In addition, for towns with over 3,000 voters, the committee shall post this notice at least one day prior to the caucus in a newspaper of general circulation within the town and 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)~~ (b) 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.]~~

* * * Standardized Ballots and Vote Tabulators * * *

Sec. 11. 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. 12. 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 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. 13. 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. 14. 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. 15. 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 major parties first in a manner to be determined by the Secretary of State.

(b) A candidate for state or congressional 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. If a candidate does not file the statement before the second 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.

Sec. 16. 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. 17. 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. 18. 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 vote at any annual or special meeting to employ electronic devices (“voting machines”) 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)(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 town;

(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

(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 approved by the ~~secretary of state~~ Secretary of State.

(2)(A) ~~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. ~~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. ~~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. 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) 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) 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 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.

(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. 19. SECRETARY OF STATE; REPORT ON PROCESSES FOR USING
VOTE TABULATORS IN RECOUNTS AND FOR CONDUCTING AUDITS

(a) The Secretary of State by January 15, 2014 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; and

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

(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. 20. 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. 21. 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 blind and visually impaired, to vote independently and privately.

Sec. 22. 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 counts shall not be viewed or printed before the closing of the polls.

Sec. 23. 17 V.S.A. § 2583 is amended to read:

§ 2583. OFFICIAL CHECKLIST TO BE TALLIED

* * *

(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. 24. 17 V.S.A. § 2701 is amended to read:

§ 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING

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. 25. 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 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 person 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 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. 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 primary or general election within the State.

* * * Early or Absentee Voters * * *

Sec. 26. 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 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 2806 of this title.

Sec. 27. 17 V.S.A. § 2534 is amended to read:

§ 2534. LIST OF EARLY OR ABSENTEE VOTERS

(a) The Secretary of State shall maintain on his or her official state website a statewide list of early or absentee voters for each primary election, presidential primary election, and general election. The list shall contain the state voter identification, 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. 28. 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. 29. 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 immediately report the unofficial vote counts of all candidates whose names appeared on the ballot to the Secretary of State 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 email.

(2) The Secretary shall ensure that any vote counts submitted by telephone, facsimile, or email 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. 30. 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. 31. 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 FOR RECOUNTS

* * *

(c) The superior court shall set an early date for the recount, notifying all candidates at least five days in advance. The 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.

* * *

§ 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.

* * *

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

(a) ~~The caller shall call the name of the person voted for and/or blank ballots, and/or spoiled ballots. The tally person and the double check person or persons each shall make a suitable mark for that candidate and/or blank ballots, and/or spoiled ballots~~ Machine-readable ballots from each pile shall be fed through a vote tabulator by one team until all machine-readable ballots from the container have been entered. For ballots unable to be read by a vote tabulator, such as damaged or plain paper ballots, a second team shall collect these ballots from the pile and transfer the voter's choices on those ballots to blank ballots provided by the Secretary of State. After all of the machine-readable ballots have been fed through the machine, the first team shall feed through the machine any transfer ballots created by the second team. 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. 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 machine 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 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.

* * *

§ 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. 32. REPEAL

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

* * * Local Elections * * *

Sec. 33. 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. 34 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. 35. 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. 36. 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. 37. 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.

(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. 38. 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. 39. 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. 40. 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 must receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.

Sec. 41. 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. 42. 17 V.S.A. § 2685 is amended to read:

§ 2685. INSPECTION OF BALLOTS

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, unless the candidate who petitions for a recount requests that the recount be conducted by ~~optical scanner~~ vote tabulator. The petitioner, the opposing candidates, and their designated representatives may inspect the ballots and observe the recount under the guidance of the board. The board shall certify the result to the clerk, who shall declare the result. 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. 43. 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. 44. 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~~ 60th day before the day of the general election, the ~~chairman~~ chair of the 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. 45. 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 newspapers published 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. 46. 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 newspapers published 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. 47. 17 V.S.A. § 2302 is amended to read:

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

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. At least 14 days before the date set for the caucuses, the state ~~chairman~~ chair shall mail a notice of the date and purpose of the caucuses to each town clerk and to each town ~~chairman~~ chair of the party, and shall cause the notice to be published in at least two newspapers having general circulation within the ~~state~~ State and in at least one electronic news media website that specializes in news of the State.

Sec. 48. 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~~ chair, in some public place within the town, and shall set the hour of the caucus.

(b) 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. In towns of 1,000 or more population, he or she shall also publish the notice in a newspaper having general circulation in the town.

(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. 49. 17 V.S.A. § 2309 is amended to read:

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

(a) The ~~chairman~~ chair of the state committee shall set a date, not more than 30 days after the date of the party's caucuses, for the first meeting of each county committee. The state ~~chairman~~ 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~~ State and in at least one electronic news media website that specializes in news of the State. The ~~chairman~~ chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail not less than 10 days prior to the meeting.

(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 shall be voters of the county.

Sec. 50. 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, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a town 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. 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. 51. 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, including television, radio, print, and electronic media;

(B) 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; and

~~(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 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, including television, radio, print, and electronic media;

(B) 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; and

~~(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 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.

* * *

Sec. 52. 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, including television, radio, print, and electronic media;

(B) 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; and

~~(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 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. 53. 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. 54. 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 of a party; for a state or congressional office;

(2) the senatorial district committee for 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) 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. 55. 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. 56. 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 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 may 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. 57. 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 by November 15, 2013 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. 58. EFFECTIVE DATES

This act shall take effect on July 1, 2013, except:

(1) this section and Secs. 56 (statutory revision; gender neutrality; “chair,” “selectboard member,” etc.) and 57 (town vs. municipality or political subdivision), shall take effect on passage; and

(2) Secs. 27 (amending 17 V.S.A. § 2534) and 30 (amending 17 V.S.A. § 2593) shall take effect on January 15, 2015.

Thereupon, pending the question, Shall the Senate concur in the House proposal of amendment?, on motion of Senator White, the Senate refused to concur in the House proposal of amendment and requested a Committee of Conference.

Committee Relieved of Further Consideration; Bill Committed

H. 325.

On motion of Senator Flory, the Committee on Institutions was relieved of further consideration of House bill entitled:

An act relating to a bill of rights for children of arrested and incarcerated parents,

and the bill was committed to the Committee on Health and Welfare.

H. 690.

On motion of Senator Flory, the Committee on Institutions was relieved of further consideration of House bill entitled:

An act relating to the definition of serious functional impairment,
and the bill was committed to the Committee on Judiciary.

Message from the House No. 47

A message was received from the House of Representatives by Ms. Melissa Kucserik, its Second Assistant Clerk, as follows:

Mr. President:

I am directed to inform the Senate that:

The House has passed House bills of the following titles:

H. 552. An act relating to raising the Vermont minimum wage.

H. 886. An act relating to approval of the adoption and the codification of the charter of the Town of Panton.

H. 890. An act relating to approval of amendments to the charter of the City of Burlington regarding the redistricting of City election areas.

In the passage of which the concurrence of the Senate is requested.

The House has considered Senate proposals of amendment to the following House bills:

H. 543. An act relating to records and reports of the Auditor of Accounts.

H. 799. An act relating to the importation of firewood.

And has severally concurred therein.

Adjournment

On motion of Senator Campbell, the Senate adjourned until eleven o'clock and thirty minutes in the morning.