

Contact John Faas

802-448-2919

Changes to Existing S.86

§ 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~~ within 72 hours of receipt by the town clerk's office. 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.

(b) [Deleted.]

(c) If the town clerk does not determine that an applicant meets the requirements of section 2121 of this title, the clerk shall immediately forward the application to the board of civil authority, which shall meet in a timely manner after the receipt of the application and proceed under section 2146 of this title to determine whether the applicant meets the requirements of section 2121. For purposes of adding applicants to the checklist, a quorum shall consist of three members of the board of civil authority.

(d) Periodically, or at least five days prior to each election, the town clerk shall forward to the board of civil authority a list of additions to the checklist. (Added 2001, No. 7, § 3, eff. April 10, 2001; amended 2003, No. 59, § 3.)

Reasoning: There have been some issues with town clerks not entering in newly registered voters in a timely manner, especially when there is no upcoming election. This changes the vague "expedited basis" into a hard timeline.

§ 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 or a nonpartisan electronic new media website that specializes in news of the state and on the

Vermont Democratic Party Proposed Changes and Additions to S.86

Contact John Faas

802-448-2919

municipality's website, 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~~

Reasoning: Most are changes that came from the Senate. Added option to use electronic media to notice caucuses.

§ 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 order of which political parties primary election they received the most votes in.

(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

Contact John Faas

802-448-2919

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.

Reasoning: Changes ordering from the Senate bill from a method prescribed by the Secretary of State to listing major parties in order of which primary they received the most votes in when SOS does not receive a candidates listing preference.

§ 2534. LIST OF EARLY OR ABSENTEE VOTERS

(a) The Secretary of State shall maintain 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 number, name, registration address, address the ballot was mailed to, and legislative district of each voter. The Secretary of State shall make this list available upon request

~~(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.

Reasoning: Makes minor changes to Senate version to better reflect intent of proposal.

§ 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 or electronically mail a notice of the date and purpose of the caucuses to each town clerk and to each town ~~chairman~~ town and county chair of the party. ~~and shall cause the notice to be published in at least two newspapers having general circulation within the state. (Added 1979, No. 198 (Adj. Sess.), § 1.)~~

Reasoning: Gives option for chair to use electronic mail and removes the requirement to notice meeting in newspaper. These meetings are eventually noticed by the town and county chairs closer to the date of the actual meeting making this newspaper notice unneeded.

§ 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

Vermont Democratic Party Proposed Changes and Additions to S.86

Contact John Faas

802-448-2919

the day designated by the state chairman, 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~~ 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 ~~one~~ three thousand or more population, he shall also publish the notice in a newspaper having general circulation in the town or a nonpartisan electronic new media website that specializes in news of the state and on the municipality's website.

(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. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 13.)

Reasoning: Changes population threshold for needing additional noticing to 3,000 to match the criteria for Justice of the Peace caucuses. Gives option for chair to notice meeting in electronic media.

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

(a) The ~~chairman~~ chair of the state committee shall set a date, not more than ~~30~~ 45 days after the date of the party's caucuses, for the first meeting of each county committee. 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.~~ The ~~chairman~~ chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail or electronic mail not less than 10 days prior to the meeting. If a chair of the county committee receives notice that a town with their county has organized 10 or fewer days before the date of the first meeting of the county committee they must notified the newly elected members within 48 hour of receiving notice of the organized town.

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

Reasoning: Only really need to notice members of the County Committee no need to notice in newspapers. Gives chair ability to notice members by email instead of just traditional mail. Clarifies what a chair should do if they receive notice of an organized town 10 days or fewer before the date set for the first meeting.

Additions to S.86

§ 2154. Statewide voter checklist

(a) The secretary of state shall establish a uniform and nondiscriminatory, statewide computerized voter

Vermont Democratic Party Proposed Changes and Additions to S.86

Contact John Faas

802-448-2919

registration checklist. This checklist shall serve as the official voter registration list for all elections in the state. In establishing the statewide checklist, the secretary shall:

- (1) limit the town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;
- (2) limit access to the statewide voter checklist for a local elections official to verifying if the applicant is registered in another municipality in the state by a search for the individual voter;
- (3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that district's checklist;
- (4) provide adequate security to prevent unauthorized access to the checklist;
- (5) ensure the compatibility and comparability of information on the checklist with information contained in the department of motor vehicles' computer systems.

(b) A registered voter's month and day of birth, driver's license number, the last four digits of the applicant's Social Security number, ~~and street address if different from the applicant's mailing address~~ shall not be considered a public record as defined in subsection 317(b) of Title 1. Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to chapter 65 of Title 13, that the person will not use the checklist for commercial purposes. The affirmation shall be filed with the secretary of state.

(c) No elections official may access the portion of the statewide voter checklist that is exempt from public inspection pursuant to subdivision 317(c)(31) of Title 1, except for elections purposes. (Added 2003, No. 59, § 7.

Reasoning: Vermont is the only state that withholds a voter's physical address from their statewide voter checklist. Withholding physical addresses is problematic for the following reasons: confusion is often caused by people registered in one town who receive mail in another nearby town, hurts organizations ability to do grassroots organizing through efforts such as door to door canvassing, limits study of Vermont elections (how far away does the average voter live from their polling place? Does distance to a polling place effect voter turnout? Etc), lack of actual voter address makes it difficult to perform voter protection activities or to confirm a voters eligibility. Privacy concerns are unfounded due to the following: state law currently requires the posting of the physical check list prior to an election which contains the physical address of the voter, voterfile use agreement that is signed when requesting the statewide checklist from the SOS already forbids its use for commercial purposes, VT Safe at Home already protects the information of victims of stalking and domestic abuse,

Contact John Faas

802-448-2919

and various sources of physical addresses are available to find information on an individual (property records, phonebooks, etc)

§ 2307. Certification of officers and county committee delegates

Within 72 hours after the caucus, the chairman and secretary of the town committee shall mail to the secretary of state, the chairmen of the state and county committees, ~~and the town clerk~~ a copy of the notice calling the meeting and a certified list of the names and mailing addresses of the officers and members of the town committee and of the delegates to the county committee. A committee is not considered organized until it has filed the material required by this section. The secretary of state shall furnish forms for this purpose to the chairman of the state committee of a political party. (Added 1979, No. 198 (Adj. Sess.), § 1.)

Reasoning: No real need to send paperwork to clerk, saves the party stamps and the clerk time and filing space.

§ 2310. Election of state committee

The chair of the county committee, ~~the national committee man, and the national committee woman~~ shall be members of the state committee. Each county committee shall be entitled to elect at least two additional members of the state committee, ~~one male and one female~~. These delegates need not be members of the county committee. If the rules or bylaws of a state committee provide for apportionment of additional members of the state committee to come from the county, the county committee also shall elect those additional members. All county committee members and officers and all persons elected to the state committee shall be voters in the county from which they are elected. County committee members and delegates to the state committee shall serve for the following two years or until their successors are elected or appointed. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2008, No. 85 § 1.)

Reasoning: National Committee man women positions are only relevant to VDP and VRP and should be written into state law as those parties can handle the national committee members' state committee membership in their party bylaws. The explicit gender requirements for state committee membership excludes transgender individuals.

§ 2311. Certification of county officers and state committee members

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

Contact John Faas

802-448-2919

county committee and of the members elected by the county committee to the state committee. A committee is not considered organized until it has filed the material required by this section. The secretary of state shall prescribe and furnish forms for this purpose. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 1985, No. 198 (Adj. Sess.), § 9.)

Reasoning: No real need to send paperwork to clerk, saves the party stamps and the clerk time and filing space.

§ 2314. Officers required

Every committee of a political party is required to elect a chairman, a vice chairman, a secretary, treasurer and an assistant treasurer, who need not be members of the committee at the time of their election, but who become members, with full voting rights, upon their election. A committee may also elect from among its members such other officers as it deems appropriate to its work. (Added 1979, No. 198 (Adj. Sess.), § 1.)

Reasoning: Assistant Treasurer typically does not do much and doesn't makes sense for smaller town committees who may not even have a bank account. If a committee desires one they can add one according to the last line in this section.

~~**§ 2315. Adoption of rules and bylaws**~~

~~Every committee of a political party is authorized to adopt rules and bylaws consistent with law. Every rule or bylaw may be amended by simple majority vote of those present and voting at any meeting of the committee, provided written notice of the proposed amendment is given to all committee members at least seven days prior to the meeting. All rules, bylaws, and amendments thereto shall be filed with the secretary of state, and the copies filed shall be the official copies. (Added 1979, No. 198 (Adj. Sess.), § 1.)~~

Reasoning: This seems like the business of the party. Very few committees follow through on this section and eliminating would also save the SOS office time and filling space.

§ 2317. Voters not to participate in more than one party

No voter shall vote in the biennial town county, or state caucus of more than one party in the same year, nor shall any voter simultaneously hold membership on the committees of more than one political party. (Added 1979, No. 198 (Adj. Sess.), § 1.)

Reasoning: Should include county and state caucuses to be consistent with committee membership provision.

Contact John Faas

802-448-2919

§ 2320. Delegates to state platform convention

~~Delegates to the state platform convention shall be the members of the national committee, the state committee and the county committees of the party, the chairmen of the town committees of the party, the nominees of the party for state officers, state senators, county officers and representatives to the general assembly and certain other members of the party, not to exceed twelve, if selected by the state committee of the party. Upon application of the chairman of the state committee of a party, the secretary of state shall deliver to him a duly certified roll of the nominees of that party for the several offices named in this section. The secretary of the state committee of the party shall make and certify a roll of the convention, made in accordance with this section, and none but certified delegates shall take part in the convention. (Added 1979, No. 198 (Adj. Sess.), § 1.)~~

Reasoning: Better handle by individual party by laws according to their needs.

§ 2623. Vacancies in offices within this state

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

- (1) for state officers, the state committee;
- (2) for county officers, except justices of the peace and probate judges, the county committee;
- (3) for state senator, the senatorial district committee;
- (4) for state representative, the representative district committee;
- (5) for justice of the peace, the town committee;
- (6) for probate judge, the probate district committee.

(b) The governor may appoint a qualified person to fill the vacancy for the remaining portion of the term, whether or not the appointee is recommended by the party committee. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 20.)

Reasoning: Clarification needed for elected officials who may have the nomination of two or more political parties.