

ANNOTATED VERSION

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1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations to which was referred Senate Bill
3 No. 86 entitled “An act relating to miscellaneous changes to election laws”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the bill be amended by striking out all after
6 the enacting clause and inserting in lieu thereof the following:

7 * * * Offenses Against the Purity of Elections * * *

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

9 Subchapter 1. Penalties Upon Officers

10 § 1931. PRESIDING OFFICER RECEIVING ILLEGAL VOTE

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

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1 § 1932. COUNTING **BALLOTS** AND ~~TURNING~~ **OPENING** BALLOT
2 BOXES BEFORE PROPER TIME

3 A presiding officer at a primary or general election; who allows the ballots
4 for representative to the ~~general assembly~~ General Assembly, or state **State**,
5 county, or congressional officers to be counted or, **except as provided in**
6 **section 2499 of this title**, the ballot box containing the same to be ~~turned~~
7 **opened** before the ~~hour set by the legislative branch~~ Legislative Branch for
8 closing **of** the polls shall be fined not more than ~~\$100.00~~ \$200.00 nor less than
9 \$20.00. **[BAW]**

10 § 1933. NONPERFORMANCE OF DUTY BY PUBLIC OFFICER

11 ~~A~~ Except as otherwise provided by this title, a public officer upon whom a
12 duty is imposed by the provisions of this title; who ~~wilfully~~ willfully neglects
13 to perform such duty or who ~~wilfully~~ willfully performs it in such a way as to
14 hinder the object of the provisions of this title; shall be fined not more than
15 \$500.00; ~~but the provisions of this section shall not apply to a public officer~~
16 ~~upon whom a duty is imposed by the provisions of chapter 9, section 571 of~~
17 ~~chapter 11, and chapter 13 of this title, the nonperformance of which is an~~
18 ~~offense under either of such chapters.~~

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1 § 1974. VOTER OMITTED FROM LIST, VOTING IN ANOTHER ~~TOWN~~
2 POLITICAL SUBDIVISION

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

8 Subchapter 3. Miscellaneous

9 § 2011. PERJURY BEFORE BOARD MAKING CHECKLIST

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

14 § 2012. PROCURING CHANGE IN LIST WRONGFULLY

15 A person who, directly or indirectly, procures or causes to be procured or
16 aids in procuring the name of a person to be inserted on a checklist of voters,
17 knowing such person not to be a voter in the ~~town~~ political subdivision for
18 which such list is made or, directly or indirectly, procures or causes to be
19 procured or aids in procuring the name of a person to be erased from such list,

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1 knowing him or her to be a legal voter in such ~~town~~ political subdivision, shall
2 be fined not more than ~~\$100.00~~ \$200.00.

3 § 2013. FALSE ANSWER AS TO RIGHT TO VOTE

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

8 § 2014. UNQUALIFIED PERSON VOTING

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

13 § 2015. FRAUDULENT VOTING

14 A person who personates another, living or dead, and gives or offers to give
15 a vote in the name of ~~such~~ that other person or gives or offers to give a vote
16 under a fictitious name at a ~~town, village, or school district meeting or a~~ local,
17 primary, or general election; for an officer to be elected at ~~such meeting or that~~
18 election, shall be imprisoned not more than one year or fined not more than
19 ~~\$100.00~~ \$200.00, or both.

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1 § 2016. AIDING UNQUALIFIED VOTER TO VOTE

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

5 § 2017. UNDUE INFLUENCE

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

9 § 2018. ~~USING INTOXICATING LIQUOR TO INFLUENCE VOTES~~

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

14 **[HGO/BAW]**

15 § 2019. DESTROYING LISTS; HINDERING VOTING

16 A person who, prior to ~~an~~ a local, primary, or general election, willfully
17 defaces or destroys any list of candidates posted in accordance with law or,
18 during ~~an~~ that election, willfully defaces, tears down, removes, or destroys any
19 card posted for the instruction of voters or, during ~~an~~ that election, willfully
20 removes or destroys any of the supplies or conveniences furnished to enable a

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1 voter to prepare his or her ballot or willfully hinders the voting of others, shall
2 be fined ~~\$50.00~~ \$200.00.

3 § 2020. ~~OFFENSES APPLYING TO PRIMARY ELECTIONS~~

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

9 § 2021. ~~DESTROYING CERTIFICATES OF NOMINATION~~

10 **DESTRUCTION OF OR FRAUDULENT ACTS PERTAINING TO**
11 **PRIMARY ELECTION DOCUMENTS; ALTERATION OR DELAY**
12 **OF BALLOTS** **[BAW]**

13 A person who falsely makes or willfully defaces or destroys a primary
14 petition, certificate of nomination, or nomination paper or any part thereof, or
15 any letter of assent or of withdrawal, or who files a primary petition, a
16 certificate of nomination, nomination paper, letter of assent, or letter of
17 withdrawal, knowing the same or any part thereof to be falsely made, or who
18 suppresses a primary petition, certificate of nomination, nomination paper,
19 letter of assent, or letter of withdrawal or any part thereof, which has been
20 filed, or forges or falsely makes the official ~~indorsement~~ endorsement upon a

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1 ballot to be used at a primary or at an election or willfully destroys or defaces
2 such a ballot or willfully delays the delivery of such ballots, shall be fined
3 ~~\$100.00~~ \$200.00.

4 * * * Definitions * * *

5 Sec. 2. 17 V.S.A. § 2103 is amended to read:

6 § 2103. DEFINITIONS

7 As used in this title, unless the context or a specific definition requires a
8 different reading:

9 * * *

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

18 * * *

19 ~~(23) “Political party” is any group of individuals which has~~
20 ~~organized and filed its certificate of organization with the secretary of~~

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1 ~~state, pursuant to chapter 45 of this title. A “major political party” is a~~
2 ~~political party whose candidate for any state **State** office in the most recent~~
3 ~~general election polled **received** at least five **10** percent of the vote cast for~~
4 ~~that office. A “minor political party” is any political party which is not a~~
5 ~~major political party. **[SoS]**~~

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

10 * * *

11 (35) “Town clerk” means a town officer elected pursuant to ~~24 V.S.A.~~
12 § 712(2) section 2646 of this title or otherwise elected or appointed by law and
13 performing those duties prescribed by 24 V.S.A. chapter 35.

14 * * *

15 (41) “Voter registration agency” or “agency” means all state offices that
16 provide public assistance, all state offices that provide state-funded programs
17 primarily engaged in providing services to persons with disabilities, any
18 federal and nongovernmental offices that have agreed to be designated by the
19 ~~secretary~~ Secretary as a voter registration agency, and any state or local agency
20 designated by the ~~secretary~~ Secretary as a voter registration agency. State and

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1 local agencies designated by the ~~secretary~~ Secretary may include: the
2 ~~departments of taxes and unemployment compensation,~~ Departments of Taxes
3 and of Labor and offices that provide services to persons with disabilities other
4 than those that provide state-funded programs primarily engaged in providing
5 services to persons with disabilities.

6 * * *

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

9 * * * Revisions of Checklists and Voter Registration * * *

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

11 Subchapter 2. Registration of Voters

12 § 2141. POSTING OF CHECKLIST

13 (a) At least 30 days before any local, primary, or general election the town
14 clerk shall cause copies of the most recent checklist of the persons qualified to
15 vote to be posted in two or more public places in the ~~town~~ political subdivision
16 municipality in addition to being posted at the town clerk’s office; however, in
17 a ~~town~~ municipality having a population of less than 5,000 qualified voters,
18 only one checklist in addition to the one posted in the town clerk’s office need
19 be posted.

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

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

11 (1) to the chair of each political party in the ~~political subdivision~~
12 **municipality**, upon request, free of charge;

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

15 (3) to any other person, upon request, at cost. **[TCs/SoS]**

16 § 2142. REVISION OF CHECKLIST

17 **(a)** The town clerk shall call such meetings of the board of civil authority as
18 may be necessary before an election or at other times for revision of the
19 checklist. At least one meeting shall take place after the deadline for filing

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1 applications and before the day of an election, unless no applications have been
2 filed which could take effect before that election.

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

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

10 § 2143. POLITICAL REPRESENTATION ON BOARD OF CIVIL
11 AUTHORITY

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

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

5 * * *

6 § 2144b. ADDITIONS TO CHECKLIST BY TOWN CLERK

7 (a) **(1)** A town clerk shall review all applications to the voter checklist and
8 shall approve those applications that meet the requirements of this chapter ~~and~~
9 ~~section 2103 of this title~~. Once approved, application information shall be
10 added to the statewide voter checklist ~~on an expedited basis~~ **within 72 hours**
11 **three business days of receipt by the town clerk's office.** **[VDP]**

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

16 * * *

17 § 2145. APPLICATION FORMS

18 * * *

19 (c) A board of civil authority or town clerk may not require a person to
20 complete any form other than that approved under subsection (a) of this section

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1 or section 2145a of this title; nor may the board of civil authority or the town
2 clerk require all applicants or any particular class or group of applicants to
3 appear personally before a meeting of the board or routinely or as a matter of
4 policy require applicants to submit additional information to verify or
5 otherwise support the information contained in the application form.

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

13 * * *

14 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
15 VEHICLES

16 * * *

17 (d) The ~~department of motor vehicles~~ Department of Motor Vehicles shall
18 transmit voter registration applications received under this section to the
19 ~~secretary of state~~ Secretary of State not later than ~~40~~ five days after the date the
20 application was accepted by the ~~department~~ Department, **or before the close of**

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1 **the checklist for a primary or general election, whichever is sooner.** ~~In the case~~
2 ~~of a voter registration application accepted within five days before the~~
3 ~~checklist is closed under section 2144 of this title for a primary or general~~
4 ~~election, the application shall be transmitted to the secretary of state Secretary~~
5 ~~of State not later than five two days after the date of acceptance or before the~~
6 ~~close of the checklist, whichever is sooner. [BAW/SoS]~~

7 * * *

8 § 2145b. VOTER REGISTRATION AGENCIES

9 (a) Each voter registration agency shall:

10 * * *

11 (3) Accept completed voter registration applications and transmit
12 completed applications to the ~~secretary of state~~ Secretary of State not later than
13 10 days after the date of acceptance, **or before the close of the checklist for a**
14 **primary or general election, whichever is sooner.** ~~In the case of an application~~
15 ~~accepted within five days before the checklist is closed under section 2144 of~~
16 ~~this title for a primary or general election, the application shall be transmitted~~
17 ~~to the secretary of state Secretary of State not later than five days after the date~~
18 ~~of acceptance or before the close of the checklist, whichever is sooner.~~
19 **[BAW/SoS]**

20 * * *

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1 § 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER
2 PERSONS OR ORGANIZATIONS

3 Any person or any organization other than a voter registration agency that
4 accepts a completed voter registration form on behalf of an applicant shall
5 submit that form to the town clerk of the town of that applicant not later than
6 seven days after the date of acceptance, or before the close of the checklist for
7 a primary or general election, whichever is sooner. ~~In the case of an~~
8 ~~application accepted within five days before the checklist is closed under~~
9 ~~section 2144 of this title for a primary or general election, the application shall~~
10 ~~be transmitted to the town clerk of the town of the applicant not later than five~~
11 ~~days after the date of acceptance or before the close of the checklist, whichever~~
12 ~~is sooner.~~ **[BAW/SoS]**

13 § 2146. ACTION OF BOARD OF CIVIL AUTHORITY OR TOWN CLERK
14 IN REVISING CHECKLIST

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

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

7 REJECTION OF APPLICATION FOR ADDITION TO CHECKLIST

8 The Board of Civil Authority of,

9 (Town/City)

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

13 (Name)

14 Cause for rejection:

15 (a) AGE:

16 (b) CITIZENSHIP:

17 (c) VOTER'S OATH:

18 (d) RESIDENCE:

19 The Board of Civil Authority will meet on the day of
20, 20, at o'clock at the following location:

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1 to reconsider your application and give you an opportunity to
2 appear before the Board. You may present any information or witnesses you
3 wish at that time, or you may appeal directly to any superior or district judge in
4 this county or district.

5
6 Town Clerk or Chairman of Board
7 of Civil Authority

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

11 § 2147. ALTERATION OF CHECKLIST

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

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

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

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

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

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

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

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

5 * * *

6 § 2150. REMOVING NAMES FROM CHECKLIST

7 (a) When a voter from one ~~town~~ political subdivision becomes a resident of
8 another ~~town~~ political subdivision and is placed on the checklist there, the
9 town clerk shall send one copy of the voter registration application form or
10 other official notice to the clerk of the ~~town~~ political subdivision where the
11 voter was formerly a resident, and that clerk shall strike the voter's name from
12 the checklist of that ~~town~~ political subdivision. Likewise, when a town clerk
13 receives a copy of the death certificate of a voter, public notice of the death of
14 a voter, or official notice from the ~~department of motor vehicles~~ Department of
15 Motor Vehicles that a voter has authorized his or her address to be changed for
16 voting purposes, the clerk shall strike the voter's name from the checklist. A
17 town clerk shall also strike from the checklist the name of any voter who files a
18 written request that his or her name be stricken.

19 (b) The board of civil authority at any time may consider the eligibility of
20 persons on the checklist whom the board believes may be deceased, may have

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1 moved from the municipality, or may be registered in another place and may
2 remove names of persons no longer qualified to vote. However, the board
3 shall not remove any name from the checklist except in accordance with the
4 procedures in subsection (d) of this section, and any systematic program for
5 removing names from the checklist shall be completed at least 90 days before
6 an election.

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

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

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

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

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

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

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1 subdivision, written affirmation of the voter's address shall be required before
2 the voter is permitted to vote.

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

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

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

14 * * *

15 **§ 2154. STATEWIDE VOTER CHECKLIST**

16 * * *

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

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1 wishing to obtain a copy of all of the statewide voter checklist must swear or
2 affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the
3 person will not use the checklist for commercial purposes. The affirmation
4 shall be filed with the ~~secretary of state~~ **Secretary of State**. **[VDP]**

5 * * *

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

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

12 * * * Party Organization * * *

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

14 § 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE

15 DELEGATES

16 **(a)** Within 72 hours after the caucus, the ~~chairman~~ **chair** and secretary of
17 the town committee shall mail to the ~~secretary of state,~~ **Secretary of State** **and**
18 the ~~chairmen~~ **chairs** of the ~~state~~ **State** and county committees, ~~and the town~~
19 ~~clerk~~ a copy of the notice calling the meeting and a certified list of the names

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1 and mailing addresses of the officers and members of the town committee and
2 of the delegates to the county committee.

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

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

7 **[VDP]**

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

9 § 2310. ELECTION OF STATE COMMITTEE

10 (a) The chair of the county committee, ~~the national committee man, and the~~
11 ~~national committee woman~~ shall be ~~members~~ **a member** of the state committee.

12 Each county committee shall be entitled to elect at least two additional
13 members of the state committee, ~~one male and one female~~. These delegates
14 need not be members of the county committee. If the rules or bylaws of a state
15 committee provide for apportionment of additional members of the state
16 committee to come from the county, the county committee also shall elect
17 those additional members.

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

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1 (c) County committee members and delegates to the state committee shall
2 serve for the following two years or until their successors are elected or
3 appointed. **[VDP]**

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

5 § 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE
6 COMMITTEE MEMBERS

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

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

15 (c) The ~~secretary of state~~ **Secretary of State** shall prescribe and furnish
16 forms for this purpose. **[VDP]**

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

18 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

19 (a)(1) Within 10 days after the first meeting of the ~~state~~ **State** committee of
20 a party, the chair and secretary shall file in the office of the ~~secretary of state~~

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1 **Secretary of State** a certificate stating that the party has completed its
2 organization for the ensuing two years and has substantially complied with the
3 provisions of this chapter.

4 (2) However, no ~~state~~ **State** committee shall be eligible to file a
5 certificate of organization unless it has town committees organized in at least
6 ~~15~~ **30** towns in this ~~state~~ **State** **and county committees organized in at least**
7 **seven counties** by January 1 of the year of the general election.

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

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

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

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

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

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

10 (f) A committee is not considered organized until the material required by
11 this section has been filed and accepted. **[SoS]**

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

13 § 2314. OFFICERS REQUIRED

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

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

2 § 2315. ~~ADOPTION OF RULES AND BYLAWS~~

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

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

11 § 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY

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

15 Sec. 12. **17 V.S.A. § 2318 is amended to read: [BAW]**

16 § 2318. ORGANIZATION OF MINOR POLITICAL PARTIES

17 A minor political party may organize in the manner set forth in this
18 subchapter or in another manner which its members deem appropriate. Minor
19 political parties shall comply with the filing requirements of sections 2307,
20 2311 to the extent applicable, and 2313 of this **title chapter**, except that they

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1 need not be organized in ~~45 30~~ towns **or in seven counties**. They shall also
2 comply with the procedural requirements of sections 2303 through 2306 and
3 2313 of this title, but need not comply with other procedural requirements in
4 sections 2301, 2302, 2308 through 2310, and 2312 of this title. Minor political
5 parties shall also comply with sections 2314 through 2317 of this title.

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

7 § 2320. ~~DELEGATES TO STATE PLATFORM CONVENTION~~

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

19 **[VDP]**

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

2 § 2321. REPRESENTATIVE DISTRICT COMMITTEE

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

12 * * * Nominations * * *

13 Sec. 15. ~~[Deleted.]~~ **17 V.S.A. § 2351 is amended to read:**

14 § 2351. PRIMARY ELECTION

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

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1 Sec. 16. 17 V.S.A. § 2356 is amended to read:

2 § 2356. TIME FOR FILING PETITIONS AND STATEMENTS OF
3 NOMINATION

4 (a) Primary petitions for major party candidates and statements of
5 nomination ~~from~~ for minor party candidates **and independent candidates** shall
6 be filed no sooner than the ~~second~~ **third** Monday in ~~May~~ **April** and not later
7 than 5:00 p.m. on the ~~second~~ **third** Thursday after the first Monday in ~~June~~
8 **May** preceding the primary election prescribed by section 2351 of this ~~title~~
9 chapter, and not later than 5:00 p.m. of the 62nd day prior to the day of a
10 special primary election.

11 ~~(b) Statements of nomination for independent candidates shall be filed no~~
12 ~~sooner than the second Monday in May and not later than three days after the~~
13 ~~date of the primary election prescribed by section 2351 of this chapter.~~

14 **[HGO/SoS]**

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

17 ~~Sec. 7. [Deleted.]~~

18 ~~Sec. 8. [Deleted.]~~

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

2 § 2370. WRITE-IN CANDIDATES

3 (a)(1) In order to have votes counted for a write-in candidate under section
4 2587 of this title, not later than 5:00 p.m. on the Friday preceding the primary
5 election, a write-in candidate shall file with the Secretary of State a form
6 consenting to candidacy for office. The consent form shall set forth the name
7 of the write-in candidate, the name of the office for which he or she consents to
8 be a candidate, the candidate's town of residence, and his or her correct
9 mailing address.

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

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

14 (1) has complied with subsection (a) of this section; and [SoS/TCs]

15 (2) receives at least ~~one-half~~ the same number of votes as the number of

16 signatures required for his or her office on a primary petition, except that if a

17 write-in candidate receives more votes than a candidate whose name is printed

18 on the ballot, he or she may qualify as a primary winner. **[HGO?]**

19 (c) The write-in candidate who qualifies as a primary winner under this

20 section must still be determined a winner under section 2369 of this ~~title~~

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

2 **[BAW]**

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

4 § 2413. NOMINATION OF JUSTICES OF THE PEACE

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

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

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

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

16 (II) on a nonpartisan electronic news media website that
17 specializes in news of the State ; and **[VDP]**

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

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

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

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

19 ~~(d) When a caucus is held to nominate candidates for justice of the peace,~~
20 ~~the town committee or other persons calling the caucus shall post the notice of~~

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1 ~~caucus in at least three public places in the town, not less than seven days~~
2 ~~before the date of the caucus; in towns having a population of more than 1,000,~~
3 ~~they shall also publish the notice of caucus in a newspaper having general~~
4 ~~circulation in the town, not less than three days before the date of the caucus.~~

5 [Repealed.]

6 * * * Election Officials * * *

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

8 § 2457. WORKSHOPS AND INFORMATION FOR ELECTION

9 OFFICIALS **[SoS]**

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

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

18 (2) **Each town clerk shall file with the Secretary of State by December**
19 **31 of each even-numbered year a letter certifying compliance with this**
20 **subsection.**

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

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

8 * * * Standardized Ballots and Vote Tabulators * * *

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

10 § 2362. PRIMARY BALLOTS

11 (a) The ballots shall be prepared and furnished to the towns by the
12 ~~secretary of state~~ Secretary of State and shall contain the names of all
13 candidates for nomination at the primary. Ballots shall be printed on index
14 stock and configured to be readable by vote tabulators. A separate ballot for
15 each major political party ~~in the same format as is used for optical scan~~
16 ~~tabulator ballots~~ shall be printed in substantially the following form:

17 OFFICIAL VERMONT PRIMARY ELECTION BALLOT
18 VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT BOX
19 OR VOTE TABULATOR

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1 words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID
2 in a prominent place on the ballot. The voter shall vote for the candidates of
3 one party only. A person voting at the primary shall not be required to indicate
4 his party choice to any election official.

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

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

10 § 2471. GENERAL ELECTION BALLOT

11 (a)(1) A consolidated ballot shall be used at a general election, which shall
12 list the several candidates for the offices to be voted upon. ~~The offices of~~
13 ~~president and vice president of the United States, United States senator, United~~
14 ~~States representative, governor, lieutenant governor, state treasurer, secretary~~
15 ~~of state, auditor of accounts, attorney general, state senator, representative to~~
16 ~~the general assembly, judge of probate, assistant judge, state's attorney,~~
17 ~~sheriff, and high bailiff shall be listed in that order. The offices of President~~
18 ~~and Vice President of the United States, U.S. Senator, U.S. Representative,~~
19 ~~Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of~~
20 ~~Accounts, Attorney General, State Senator, Representative to the General~~

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1 Assembly, Judge of Probate, Assistant Judge, State’s Attorney, Sheriff, and
2 High Bailiff shall be listed in that order. Any statewide public question shall
3 also be listed on the ballot, before the listing of all offices to be filled.

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

12 * * *

13 Sec. 23. 17 V.S.A. § 2472 is amended to read:

14 § 2472. CONTENTS

15 * * *

16 (b)(1) Each office to be voted upon shall be separately indicated and
17 preceded by the word “For”, as: “For United States Senator.” Beneath the
18 office to be voted upon shall appear the instructions: “Vote for not more than
19 (the number of candidates to be elected).”

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1 complete article shall be posted in a conspicuous place within each voting
2 booth.

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

4 § 2474. CHOICE OF PARTY

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

12 (2) If the nominee does not notify the Secretary of State or the town
13 clerk of his or her choice of party, the Secretary of State shall print on the
14 ballot those parties next to the nominee's name by listing ~~major parties first in~~
15 ~~a manner to be determined by the Secretary of State~~ in this order:

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

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

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

3 **(D) any minor political parties that nominated the nominee by party**
4 **committee, in the order in which the nominations were submitted to the**
5 **Secretary of State. [SoS]**

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

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

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

2 § 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND
3 FURNISHED

4 * * *

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

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

8 § 2481. PRINTED BALLOTS REQUIRED

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

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

13 Subchapter 3. ~~Voting Machines~~ Vote Tabulators

14 § 2491. POLITICAL ~~SUBDIVISION MAY USE VOTING MACHINES~~

15 SUBDIVISIONS; VOTE TABULATORS

16 (a) ~~A town~~ Except as provided in subsection (b) of this section, a board of
17 civil authority may, at a meeting held not less than 60 days prior to an election
18 and warned pursuant to 24 V.S.A. § 801, vote ~~at any annual or special meeting~~
19 ~~to employ~~ electronic devices (“voting machines”) to require the political
20 subdivision for which it is elected to use vote tabulators for the registering and

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1 counting of votes in subsequent elections. ~~Voting machines may be used in~~
2 ~~combination with the paper ballots described in the preceding subchapter, so~~
3 ~~that each voter may choose whether to use a paper ballot or a voting machine~~
4 ~~to cast his or her vote, if the town so votes.~~

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

8 ~~(b)~~**(c)**(1) The Office of the Secretary of State shall pay the following costs
9 associated with this section by using federal Help America Vote Act funds, as
10 available:

11 (A) full purchase and warranty cost of vote tabulators, ballot boxes,
12 and two memory cards for each ~~town~~ tabulator; [HGO/SoS]

13 (B) annual maintenance costs of vote tabulators for each town; and

14 (C) the first \$500.00 of the first pair of a vote tabulator's memory
15 cards' configuration costs for each primary and general election.

16 (2) A town shall pay the remainder of any cost not covered by
17 subdivision (1) of this subsection.

18 * * *

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1 § 2493. RULES FOR USE OF ~~VOTING MACHINES~~ VOTE

2 TABULATORS; **AUDITS** **[BAW]**

3 (a) The ~~secretary of state~~ Secretary of State shall adopt rules governing the
4 use and the selection of any ~~voting machine~~ vote tabulator in the state State.

5 These rules shall include requirements that:

6 (1) All municipalities that have voted to use a ~~voting machine~~ vote
7 tabulator shall use a uniform ~~voting machine~~ **vote tabulator** approved by the
8 ~~secretary of state~~ Secretary of State. **[BAW]**

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

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

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

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

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

10 ~~(3)~~**(4)(A)** All ~~voting machines~~ vote tabulators shall be set to reject a
11 ballot that contains an overvote and provide the voter the opportunity to correct
12 the overvote, have the ballot declared spoiled, and obtain another ballot. If an
13 early voter absentee ballot contains an overvote, the elections official shall
14 override the ~~voting machine~~ vote tabulator and count all races except any race
15 that contains an overvote.

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

18 (5) Establish a process for municipalities using ~~voting machines~~ vote
19 tabulators, whereby markings on ballots that are unreadable by a ~~machine~~ vote
20 tabulator may be transferred by a pair of election officials, who are not

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1 members of the same political party, to ballots that are readable by the
2 machine. **[BAW]**

3 **(6) Establish a process for using vote tabulators in recounts. [HGO?]**

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

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

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

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

15 § 2494. CONSTRUCTION WITH OTHER LAWS

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

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

9 § 2495. ~~FORM OF BALLOT~~

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

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

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1 § 2499. MISCELLANEOUS REQUIREMENTS FOR VOTING MACHINES
2 TRANSFER OF PAPER BALLOTS FROM VOTE TABULATORS

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

8 Sec. 28. SECRETARY OF STATE; REPORT ~~ON PROCESSES FOR~~;
9 USING VOTE TABULATORS IN RECOUNTS; ~~FOR~~
10 CONDUCTING AUDITS; ~~AND FOR~~ VOTING BY MAIL; **USING**
11 **ELECTRONIC SIGNATURES IN ELECTION PETITIONS**

12 (a) The Secretary of State by ~~January 15, 2014~~ **January 15, 2015** shall
13 report to the Senate and House Committees on Government Operations on:

14 (1) his or her proposed process for using vote tabulators in recounts and
15 for the certification of vote tabulators. The Secretary shall consider whether
16 and under what circumstances a town may be permitted to conduct a recount
17 by counting ballots by hand in lieu of using vote tabulators; [SoS]

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

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

2 § 2567. ~~REGISTERING VOTES ON VOTING MACHINES~~ VOTING
3 SYSTEMS FOR VOTERS WITH DISABILITIES

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

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

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

17 § 2573. NO COUNTING BEFORE POLLS CLOSE

18 In towns ~~using paper ballots~~ that do not use vote tabulators, the ballot boxes
19 shall not be opened nor the ballots counted before the closing of the polls. In

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1 towns using ~~voting machines~~ vote tabulators, the ~~maehine~~ **tabulator** counts
2 shall not be viewed or printed before the closing of the polls. **[BAW]**

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

4 § 2583. OFFICIAL CHECKLIST TO BE TALLIED; **STORAGE OF**
5 **CHECKLIST** **[BAW]**

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

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

19 (b) ~~If in the case of voting machines an exit checklist is not used, as~~
20 ~~provided by section 2496 of this title, read-out sheets and other machine~~

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1 ~~materials which are used to provide equivalent security shall be sealed and~~
2 ~~stored with the ballots and tally sheets. [Repealed.]~~

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

4 § 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; **FORM OF**

5 **BALLOT** **[BAW]**

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

13 * * * Polling Places * * *

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

15 § 2502. LOCATION OF POLLING PLACES

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

17 (b) The board of civil authority shall take such measures as are necessary to
18 assure that ~~elderly and handicapped~~ voters **who are elders or have a disability**
19 may conveniently and secretly cast their votes. Measures which may be taken
20 shall include, ~~but are not limited to:~~ location of polling places on the ground

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1 floor of a building; providing ramps, elevators, or other facilities for access to
2 the polling place; providing a stencil overlay for ballots; providing a separate
3 polling place with direct communication to the main polling place; and
4 permitting election officials to carry a ballot to ~~a handicapped or elderly~~ **an**
5 **elder or to a** person **who has a disability** in order to permit that person to mark
6 the ballot while in a motor vehicle adjacent to the polling place. For purposes
7 of this subsection, the board of civil authority shall have full jurisdiction on the
8 day of an election over the premises at which a polling place is located. **[HGO]**

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

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

19 (B) The Secretary of State shall assist any municipality that needs to
20 change the location of a polling place on the day of an election due to an

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1 emergency, including assisting in finding a new location and informing the
2 public of that new location.

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

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

10 ~~Sec. **X**. 17 V.S.A. § 2507 is amended to read:~~

11 ~~§ 2507. DISTRIBUTION OF CHECKLISTS; **EXIT CHECKLIST** [BAW]~~

12 ~~The town clerk shall furnish the presiding officer of each polling place~~
13 ~~with two certified copies of the checklist applicable to that polling place.~~

14 ~~One copy shall be used to check voters before they enter within the~~
15 ~~guardrail, and, unless the board of civil authority votes not to use an exit~~
16 ~~checklist, the other copy shall be used to check voters as they leave.~~

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1 Date: _____ Signature of applicant: _____

2 ~~(2)~~(3) If the application is made by telephone or in writing, the
3 information supplied must be in substantial conformance with the information
4 requested on this form.

5 * * *

6 (g)(1) Any person who applies for an early voter absentee ballot knowing it
7 is without authorization from the early or absentee voter shall be fined not
8 more than \$100.00 per violation for the first three violations; not more than
9 \$500.00 per violation for the fourth through ninth violations; and not more
10 than \$1,000.00 per violation for the tenth and subsequent violations.

11 (2) The Attorney General or a state's attorney, whenever he or she has
12 reason to believe any person to be or to have been in violation of this
13 provision, may conduct a civil investigation in accordance with the procedures
14 set forth in section ~~2806~~ 2904 of this title. [BAW]

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

16 § 2534. LIST OF EARLY OR ABSENTEE VOTERS

17 (a) The Secretary of State shall maintain ~~on his or her official state website~~
18 a statewide list of those voters who have requested an early ~~or~~ voter absentee
19 voters ballot for each primary election, presidential primary election, and
20 general election. The list shall contain the state voter identification number.

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1 name, registration address, address the ballot was mailed to, and legislative
2 district of each voter. [SoS]

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

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

10 § 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN
11 BALLOT BOX

12 (a)(1)(A) No sooner than 30 days before the opening of polls on election
13 day, the town clerk of a municipality with at least 300 registered voters on its
14 checklist may direct two election officials working together to open the outside
15 envelope in order to sort early voter absentee ballots by ward and district, may
16 data enter the return of the ballots by the voter, may determine that the
17 certificate has been signed, and may place the inside envelopes in various
18 secure containers to be transported to the polling places on election day.

19 (B) No sooner than 48 hours before the opening of polls on election
20 day, a town clerk in all other municipalities may direct two election officials

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1 working together to open the outside envelope and remove the certificate
2 envelope in order to determine that an early voter absentee ballot certificate
3 has been properly signed by the early voter, and that the name of the early
4 voter appears on the checklist.

5 (2) The election officials shall check the name of the early voter off the
6 entrance checklist and place the sealed envelope into a secure container
7 marked “checked in early voter absentee ballots” to be transported to the
8 polling place on election day.

9 (3) Upon opening of the polls on election day, ballots from this
10 container shall be opened by election officials, who are not members of the
11 same political party, and deposited either into the ballot box or into the ~~voting~~
12 ~~machine~~ vote tabulator.

13 (b) The town clerk or presiding officer shall deliver the unopened early
14 voter absentee ballots to the election officials at the place where the entrance
15 checklist is located.

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

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1 (2) If the ballots have not been previously checked off the entrance
2 checklist and if an election official determines that the certificate on the
3 envelope is signed by the early voter, the name of the early voter appears on
4 the checklist, and the early voter is not a first-time voter in the municipality
5 who registered by mail, the election official shall mark the checklist, open the
6 envelope, and deposit the ballot in the proper ballot box or ~~voting machine~~
7 vote tabulator.

8 (3) If the early voter is a first-time voter who registered by mail, the
9 election official shall determine whether the identification required under
10 subdivision 2563(1) of this title has been submitted by the voter. Upon
11 ascertaining that the proper identification has been submitted by the voter, the
12 election official shall mark the checklist, open the envelope, and deposit the
13 ballot in the proper ballot box or ~~voting machine~~ vote tabulator. If the proper
14 identification has not been submitted, the ballot shall be treated as a
15 provisional ballot, as provided in subchapter 6A of this chapter.

16 (c) All early voter absentee ballots shall be commingled with the ballots of
17 voters who have voted in person.

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1 in” vote **and who complied with subdivision (2) of this subsection,** and the
2 number of votes received.

3 **(4)** On each tally sheet, the counters shall add together the names of
4 candidates that are clearly the same person, even though a nickname or last
5 name is used. ~~Names of fictitious persons shall not be listed.~~ **[TCs/SoS]**

6 * * *

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

8 § 2588. FILING RETURNS

9 (a) In towns that count all ballots by hand, as the count of votes for each
10 office or public question is completed, the presiding officer and at least one
11 other election official shall collect the tally sheets, enter the totals shown on
12 the tally sheets upon the summary sheets, add and enter the sum of the figures,
13 and sign the summary sheets. As each summary sheet is completed, the
14 presiding officer shall publicly announce the results.

15 (b) In towns that use vote ~~tabulating machines~~ tabulators, after the close of
16 the polls and after all remaining absentee or transfer ballots have been fed into
17 the ~~machine~~ vote tabulator, the presiding officer shall insert the ender card and
18 the tabulator will print a tape of unofficial results. The presiding officer shall
19 print at least two additional copies of the tabulator tape. The unofficial results
20 from the tape may be publicly announced, and one copy of the printed tape

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1 may be posted in the polling place upon a placard that clearly states:

2 “Unofficial incomplete results.”

3 (c)(1) The town clerk shall ~~immediately~~ report **as soon as practicable on the**
4 **day of the election** the unofficial vote counts of all candidates whose names
5 appeared on the ballot to the Secretary of State. **The report shall be made by**
6 electronically submitting the vote counts on the Secretary’s online elections
7 reporting system or, if unable to submit electronically, by submitting those
8 vote counts to the Secretary of State by telephone, facsimile, or email.

9 **[TCs/SoS]**

10 (2) The Secretary shall ensure that any vote counts submitted by
11 telephone, facsimile, or email are entered into his or her online elections
12 reporting system as soon as practicable after he or she receives them.

13 (3) The Secretary’s online elections reporting system shall cause the
14 unofficial vote counts to be posted immediately on the Secretary’s official
15 website as soon as those vote counts are submitted.

16 (d) The presiding officer and one other election official then shall proceed
17 either to complete the return at once, or to store the summary sheets in a safe
18 and secure place until their retrieval for completion of the return. In any event,
19 no later than 24 hours after the polls close, the presiding officer and at least
20 one other election official shall transfer the totals from the summary sheets to

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1 the proper spaces on the return, and both shall sign the return. The town clerk
2 shall store the summary sheets safely so that the public cannot reasonably have
3 access to them for a period of 90 days without the town clerk's consent. The
4 original of the return shall be delivered to the town clerk. In a manner
5 prescribed by the ~~secretary of state~~ Secretary of State and within 48 hours of
6 the close of the polls, the town clerk shall deliver to the ~~secretary of state~~
7 Secretary of State, the senatorial district clerk, the county clerk, and the
8 representative district clerk one certified copy each of the return. The town
9 clerk shall also make a copy available to the public upon request.

10 Sec. 40. 17 V.S.A. § 2593 is amended to read:

11 § 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE

12 CHECKLIST BY TOWN CLERK

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

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1 (b) In the case of recounts other than specified in subsection (a) of this
2 section, the following procedure shall apply. A petition for a recount shall be
3 filed within 10 days after the election. The petition shall be filed with the civil
4 division of the superior court, Washington County, in the case of candidates
5 for ~~state~~ **State** or congressional office, or for a presidential election; the petition
6 shall be filed with the superior court in any county in which votes were cast for
7 the office to be recounted, in the case of any other office. The petition shall be
8 supported, if possible, by a certified copy of the certificate of election prepared
9 by the canvassing committee, verifying the total number of votes cast and the
10 number of votes cast for each candidate.

11 (c) The superior court shall ~~set an early date for the recount, notifying all~~
12 ~~candidates at least five days in advance~~ **forward a copy of the petition to the**
13 **county clerk**. The court shall order the town clerk or clerks having custody of
14 the ballots to be recounted ~~to appoint two election officials who are not~~
15 ~~members of the same political party who shall~~ or their designees to transport
16 them to the county clerks of their respective counties before the day set for the
17 recount. County clerks shall store all ballots, still in their sealed containers, in
18 their vaults until the day of the recount. ~~The court shall appoint a sufficient~~
19 ~~number of impartial voters as a committee to recount the votes.~~ **[BAW]**

20 * * *

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

3 § 2602a. APPOINTMENT OF RECOUNT COMMITTEE; **SETTING DATE**

4 **OF RECOUNT** **[BAW]**

5 (a) **(1)** Upon receipt of a petition, the county clerk shall notify the
6 chairpersons of the relevant county political committees that a petition has
7 been filed requesting a recount and advising them to submit immediately a list
8 of nominees for individuals to serve on a recount committee.

9 **(2)** In the case of a recount in a primary election, the county clerk shall
10 notify all candidates for the office which is the subject of the recount, advising
11 them to submit immediately a list of nominees for individuals to serve on a
12 recount committee.

13 **(3)** If a candidate for an office which is the subject of a recount is from a
14 party which does not have a county committee, the county clerk shall send a
15 copy of the notice to the state committee of the party advising them to submit
16 immediately a list of nominees for individuals to serve on a recount committee.

17 **(4)** If a candidate for an office which is the subject of a recount is
18 independent, **the county clerk shall send** that candidate ~~will be sent~~ a copy of
19 the notice and requested to submit immediately a similar list of nominees for
20 individuals to serve on a recount committee.

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

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

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

16 § 2602b. ASSIGNMENT OF DUTIES

17 (a) The county clerk shall supervise the recount and may appoint a
18 sufficient number of impartial assistants to perform appropriate tasks which
19 have not been assigned to recount committee members. The county clerk shall
20 recruit town clerks to serve as impartial assistants to the county clerk for

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1 operating the vote tabulators. The county clerk shall store all ballots, still in
2 their sealed containers, in his or her vault until the day of the recount.

3 * * *

4 § 2602c. PREPARATION FOR RECOUNT

5 (a) Before the recount begins, the county clerk shall explain the recount
6 procedures which are to be followed and shall answer questions relating to
7 such procedures. The county clerk shall use volunteer town clerks to operate
8 and instruct on the use of vote tabulators.

9 (b) ~~The Each~~ recount ~~teams established team~~ shall recount the contents of
10 one container before ~~another container is opened~~ opening another container at
11 its table, shall recount the contents of all the containers relating to one polling
12 place before moving to those of another polling place, and shall complete the
13 recount for one town before moving to material relating to another town.

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

16 (d) Before opening, each container shall be inspected, and if no tag is
17 present, replacement manila tags shall be affixed, specifying date of election
18 and name of town and polling place. Likewise, each seal shall be examined to
19 see if it is intact, and the **county** clerk shall attach to any bag with a defective

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1 seal a tag stating that the seal was defective and containing the information
2 which was contained on the defective seal.

3 (e) Uncounted containers shall be kept in one part of the room and moved
4 to the other side as they are counted; each team shall have a separate table and
5 the county clerk shall have a separate table, all of which tables shall be spaced
6 apart.

7 (f) If there is more than one container from a polling place, the **county** clerk
8 shall open first the container which is identified as containing the checklist.
9 Upon opening the first container in the presence of the clerk observer team, the
10 **county** clerk shall empty the contents onto the clerk's table. The **county** clerk
11 shall ensure that teams are not given unused ballots, early or absentee ballots
12 which arrived after the close of polls, or ballots spoiled by voters and turned in
13 by voters requesting fresh ballots. **[BAW]**

14 § 2602d. EXAMINATION OF CHECKLISTS

15 * * *

16 (d) The number finally determined by a majority of team members shall be
17 submitted to the **county** clerk in the presence of the clerk observer team,
18 together with an indication of the nature and extent of the disagreement. If one
19 or more team members do not agree with the number submitted, the **county**

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1 clerk shall note on the master list the fact that the number of people appearing
2 as having voted on a specified checklist was subject to dispute. **[BAW]**

3 § 2602e. SORTING OF BALLOTS

4 * * *

5 (b) The teams, except the clerk observer team and possibly the team which
6 is processing the checklists, shall proceed to their tables and each team shall
7 get from the **county** clerk one pile of ballots, one tally sheet and one double-
8 check sheet per 50 ballots, unless there are more persons per team who serve as
9 double-check persons, in which case, each such person shall be assigned a
10 double-check sheet. If a team spoils a tally sheet or needs to retally, it must
11 turn in the tally sheet in order to get another one. **[BAW]**

12 § 2602f. ~~FIRST TALLY RECOUNT BY VOTE TABULATOR~~

13 (a) **(1)** ~~The caller shall call the name of the person voted for and/or blank~~
14 ~~ballots, and/or spoiled ballots. The tally person and the double-check person~~
15 ~~or persons each shall make a suitable mark for that candidate and/or blank~~
16 ~~ballots, and/or spoiled ballots~~ Machine-readable ballots from each pile shall be
17 fed through a vote tabulator by one team until all machine-readable ballots
18 from the container have been entered. For ballots unable to be read by a vote
19 tabulator, such as damaged or plain paper ballots, a second team shall collect
20 these ballots from the pile and transfer the voter's choices on those ballots to

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1 blank ballots provided by the Secretary of State. After all of the
2 machine-readable ballots have been fed through the ~~machine~~ **vote tabulator**, the
3 first team shall feed through the ~~machine~~ **vote tabulator** any transfer ballots
4 created by the second team.

5 **(2)** The recount teams shall switch roles for each subsequent container
6 of ballots of a polling place that are to be fed through the vote tabulator, if
7 there is more than one container per polling place.

8 **(3)** This process shall be used until all ballots from a polling place have
9 been tabulated by a vote tabulator. **[BAW]**

10 (b) After all ballots from a polling place have been tabulated by a vote
11 tabulator, a recount team shall print the tabulator tape containing the unofficial
12 results and document those results on a tally sheet. Another recount team shall
13 then open the tabulator's ballot box and remove all ballots. The ballots shall
14 then be divided among the recount teams to be examined to find write-in
15 names and markings of voter intent that were not machine-readable as outlined
16 in the Secretary of State's vote tabulator guide and most recent elections
17 procedures manual. A caller, tally person, and double-check person shall be
18 used to examine the ballots removed from the ballot box. If the caller and the
19 observer or observers do not agree on how a ballot should be counted, the

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1 entire team shall review the ballot and if all members agree, it shall be counted
2 that way.

3 (c) If one person does not agree, that ballot shall be set aside as a
4 questioned ballot and a copy shall be made, which copy shall be clearly
5 marked on its face identifying it as a copy. ~~Such~~ Any copies shall be placed on
6 the top of the other ballots and shall remain together with the other ballots.
7 Each original ballot deemed questionable shall be attached to a note which
8 identifies it by town, county, polling place, and bag seal number. The originals
9 of these questionable ballots shall be clipped to the summary sheet for that
10 polling place and returned to the court for a final decision.

11 (d) After the court has rendered a final decision on a given questionable
12 ballot, it shall be returned to the county clerk who shall keep it in a sealed
13 container for a period of two years.

14 (e) Write-in votes for preprinted candidates shall be counted as votes for
15 that candidate.

16 (f) If the tally persons do not agree on the number of votes for a candidate
17 on ballots not able to be read by the vote tabulator, the ballots shall be retallied
18 until they do agree. Then the team shall notify the clerk that it has completed
19 ~~the first~~ its recount.

20 * * *

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1 § 2602h. COMPLETING THE TALLY **[BAW]**

2 (a) After the totals for a polling place have been listed, the **county** clerk
3 shall add them up in the presence of the clerk observer team, and shall compare
4 the number with the number of voters who voted at that polling place,
5 according to the number obtained from the team that examined the certified
6 checklist. If these numbers differ, the **county** clerk shall note the amount of the
7 difference on the summary sheets for that polling place.

8 (b) The **county** clerk shall return all ballots to the container, seal it, record
9 the seal number on the summary sheet, write “recounted” and specify the date
10 of the recount on the tag, and move it to the other side of the room, making
11 sure that there is never more than one bag open at any one time.

12 (c) This procedure shall be repeated for each container, until the results
13 from a polling place have been recounted, and then it shall be repeated until the
14 results from all polling places in a town have been recounted, and then until the
15 results from all towns have been recounted.

16 (d) The **county** clerk shall add the totals on each summary sheet, affix the
17 clerk’s seal and send the summary sheets for all polling places together with
18 the master list and any questionable ballots to the court by certified mail, return
19 receipt requested, or shall certify the results to the judge.

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1 § 2602i. COSTS **[BAW]**

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

9 § 2602j. OTHER RULES FOR CONDUCTING THE RECOUNT **[BAW]**

10 (a) The county clerk shall preserve order. If a person, after notice, is
11 persistently disorderly and refuses to withdraw from the premises, the **county**
12 clerk may cause the person to be removed from the premises.

13 (b) The **county** clerk shall designate an area within which the recount shall
14 take place. Persons who are not committee members shall be permitted to
15 view a recount in progress, but persons not authorized by the **county** clerk shall
16 not be permitted within the area designated by the **county** clerk.

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1 * * *

2 § 2602k. AFTER THE RECOUNT

3 * * *

4 (b) After the recount, the county clerk shall seal the ballots and other
5 materials back in the containers and store them in the county clerk's vault until
6 returned to the towns. The county clerk shall return all ballots to the respective
7 town clerks after issuance of the court's judgment, together with a copy of the
8 judgment. The ~~state police~~ respective town clerks or their designees shall
9 transport the ballots to the towns from which they came.

10 * * *

11 Sec. 42. REPEAL

12 17 V.S.A. §§ 2492 (legislative branch to obtain voting machines); 2602g
13 (second tally); and 2602l (recounts using voting machines) are repealed.

14 * * * Vacancies * * *

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

16 § 2623. VACANCIES IN OFFICES WITHIN THIS STATE

17 (a) In the event of a vacancy in any ~~state~~ **State**, county, or legislative office,
18 the ~~governor~~ **Governor** may request the political party **or parties** of the person
19 whose death or resignation created the vacancy to submit one or more

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1 recommendations as to a successor. The proper committee to which a request
2 for recommendation shall be directed shall be: **[VDP]**

3 * * *

4 * * * Local Elections * * *

5 Sec. 44. 17 V.S.A. § 2640 is amended to read:

6 § 2640. ANNUAL MEETINGS

7 (a) A meeting of the legal voters of each town shall be held annually on the
8 first Tuesday of March for the election of officers and the transaction of other
9 business, and it may be adjourned to another date. When a ~~town~~ municipality
10 fails to hold an annual meeting, a warning for a subsequent meeting shall be
11 issued immediately, and at that meeting all the officers required by law may be
12 elected and its business transacted.

13 * * *

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

15 § 2642. WARNING AND NOTICE CONTENTS

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

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

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

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

14 [SoS]

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

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

2 § 2643. SPECIAL MEETINGS

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

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

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

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

17 § 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

18 At the annual meeting, a town shall choose from among its ~~legally qualified~~
19 registered voters the following town officers, who shall serve until the next

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1 annual meeting and until successors are chosen, unless otherwise provided

2 by law:

3 * * *

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

5 § 2660. CONDUCT OF ELECTION

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

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

13 * * *

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

15 § 2661. RECONSIDERATION OR RESCISSION OF VOTE

16 (a) A warned article voted on at an annual or special meeting of a
17 municipality shall not be submitted to the voters for reconsideration or
18 rescission at the same meeting after the assembly has begun consideration of
19 another article. If the voters have begun consideration of another article, the
20 original article may only be submitted to the voters at a subsequent annual or

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1 special meeting duly warned for the purpose and called by the legislative body
2 on its own motion or pursuant to a petition requesting such reconsideration or
3 rescission signed and submitted in accordance with subsection (b) of this
4 section. A vote taken at an annual or special meeting shall remain in effect
5 unless rescinded or amended.

6 * * *

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

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

9 § 2681. NOMINATIONS; PETITIONS; CONSENTS

10 (a)(1) Nominations of the municipal officers shall be by petition. The
11 petition shall be filed with the municipal clerk, together with the endorsement,
12 if any, of any party or parties in accordance with the provisions of this title, no
13 later than 5:00 p.m. on the sixth Monday preceding the day of the election,
14 which shall be the filing deadline.

15 (2) The candidate shall also file a written consent to the printing of the
16 candidate's name on the ballot, ~~no later than 5:00 p.m. on the Wednesday after~~
17 ~~the filing deadline~~ **on or before the filing deadline for petitions as set forth in**
18 **subdivision (1) of this subsection.** [SoS]

19 (3) A petition shall contain the name of only one candidate, and the
20 candidate's name shall appear on the petition as it does on the voter checklist.

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1 A voter shall not sign more than one petition for the same office, unless more
2 than one nomination is to be made, in which case the voter may sign as many
3 petitions as there are nominations to be made for the same office.

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

11 * * *

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

13 § 2681a. LOCAL ELECTION BALLOTS

14 * * *

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

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

20 * * *

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

2 § 2682. PROCESS OF VOTING; APPOINTMENTS

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

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

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

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

15 (e) ~~If there is a tie vote for any office, the legislative body, or in its stead,~~
16 ~~the municipal clerk, shall within seven days warn a runoff election to be held~~
17 ~~not less than 15 days nor more than 22 days after the warning. The only~~
18 ~~candidates in the runoff election shall be those who were tied in the original~~
19 ~~election. However, if one of the candidates that are tied withdraws his or her~~
20 ~~candidacy within five days after the election, the town clerk shall certify the~~

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1 ~~other tied candidate as the winner, and there shall be no runoff election.~~

2 [Repealed.]

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

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

9 § 2682a. WRITE-IN CANDIDATES

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

12 (1) receive 30 votes or the votes of one percent of the registered voters
13 in the municipality, whichever is less; and

14 (2) file with the town clerk before the close of the polls on the day of the
15 election a form consenting to candidacy for office. The consent form shall set
16 forth the name of the candidate and the name of the office for which he or she
17 consents to be a candidate. The town clerk shall prepare and furnish forms for
18 this purpose. [TCs/SoS]

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

2 § 2682b. TIE VOTES FOR LOCAL OFFICE

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

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

11 § 2683. ~~RECOUNTS~~ **REQUEST FOR A RECOUNT; CANDIDATES** **[BAW]**

12 (a) A candidate for local office may request a recount by filing a request
13 with the municipal clerk within 10 days after the election.

14 (b) If the difference between the number of votes cast for a winning
15 candidate and the number of votes cast for a losing candidate is less than five
16 percent of the total votes cast for all the candidates for an office, divided by the
17 number of persons to be elected, that losing candidate shall have the right to
18 have the votes for that office recounted.

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1 Sec. 56. 17 V.S.A. § 2685 is amended to read:

2 § 2685. ~~INSPECTION OF BALLOTS~~ **CONDUCT OF RECOUNT** **[BAW]**

3 (a) At the time and place specified by the clerk, the board of civil authority
4 shall break the seal, open the ballot container, and recount the votes **pursuant to**
5 **the procedure set forth in section 2685a of this subchapter**, unless the candidate
6 who petitions for a recount requests that the recount be conducted by ~~optical~~
7 ~~scanner~~ vote tabulator, **in which case the recount shall be conducted by the**
8 **town clerk and board of civil authority pursuant to the procedure set forth in**
9 **chapter 51, subchapter 9 of this title to the greatest extent practicable.**

10 (b) The petitioner, the opposing candidates, and their designated
11 representatives may inspect the ballots and observe the recount under the
12 guidance of the board.

13 (c) The board shall certify the result to the clerk, who shall declare the
14 result.

15 (d) After the recount the board shall seal the ballots and other materials
16 back in the containers and the town clerk shall safely store them as provided in
17 section 2590 of this title.

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1 Sec. 57. 17 V.S.A. § 2685a is added to read: **[HGO]**

2 **§ 2685a. PROCEDURE FOR RECOUNT**

3 **(a) Storage of ballots; assignment of duties.**

4 **(1) The town clerk shall store all ballots, still in their sealed containers,**
5 **in his or her vault until the day of the recount.**

6 **(2) The town clerk shall supervise the recount and may appoint a**
7 **sufficient number of impartial assistants to perform appropriate tasks that are**
8 **not practicable for the board of civil authority to perform.**

9 **(3) The town clerk shall assign members of the board of civil authority**
10 **to teams of at least four persons, consisting of one caller and one observer,**
11 **representing different candidates, and one tally person and one double-check**
12 **person, representing different candidates. Any additional team members shall**
13 **be additional observers and double-check persons, who shall be assigned to**
14 **ensure that each candidate has one person assigned as either a caller or an**
15 **observer and one person assigned as either a tally person or a double-check**
16 **person. One team shall be designated as the clerk observer team, which shall**
17 **perform only the functions established under this section for that team.**

18 **(4) The board of civil authority shall use fresh seals, manila tags, tally**
19 **sheets, double-check sheets, summary sheets for each polling place, master**

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1 lists for the entire election to be recounted, and other appropriate material
2 provided by the Secretary of State.

3 (b) Preparation for recount.

4 (1) Before the recount begins, the town clerk shall explain the recount
5 procedures which are to be followed and shall answer questions relating to
6 such procedures.

7 (2) The recount teams established shall recount the contents of one
8 container before another container is opened and shall recount the contents of
9 all the containers relating to one polling place before moving to those of
10 another polling place.

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

13 (4) Before opening, each container shall be inspected, and if no tag is
14 present, replacement manila tags shall be affixed, specifying date of election
15 and name of town and polling place. Likewise, each seal shall be examined to
16 see if it is intact, and the clerk shall attach to any bag with a defective seal a tag
17 stating that the seal was defective and containing the information which was
18 contained on the defective seal.

19 (5) Uncounted containers shall be kept in one part of the room and
20 moved to the other side as they are counted. Each team shall have a separate

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1 table and the clerk shall have a separate table, all of which tables shall be
2 spaced apart.

3 (6) If there is more than one container from a polling place, the clerk
4 shall open first the container which is identified as containing the checklist.
5 Upon opening the first container in the presence of the clerk observer team, the
6 clerk shall empty the contents onto the clerk's table. The clerk shall ensure
7 that teams are not given unused ballots, early or absentee ballots which arrived
8 after the close of polls, or ballots spoiled by voters and turned in by voters
9 requesting fresh ballots.

10 (c) Examination of checklists.

11 (1) The checklist from the first bag shall be assigned to a team. The
12 caller and observer, each acting independently, shall examine the checklist and
13 determine how many voters voted at the polling place, repeating the process
14 until they agree on a number or until they agree to disagree on a number.

15 (2) Then the checklist shall be examined by the tally person and the
16 double-check person, repeating the process until they agree on a number or
17 they agree to disagree on the number.

18 (3) The results obtained from the two subgroups will be compared and if
19 they do not match, the process shall be repeated until there is agreement among
20 all the members of the team or until team members agree to disagree.

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1 (4) The number finally determined by a majority of team members shall
2 be submitted to the clerk in the presence of the clerk observer team, together
3 with an indication of the nature and extent of the disagreement. If one or more
4 team members do not agree with the number submitted, the clerk shall note on
5 the master list the fact that the number of people appearing as having voted on
6 a specified checklist was subject to dispute.

7 (d) Sorting of ballots.

8 (1) Ballots from the first container shall be counted by one team and
9 placed into piles containing 50 ballots each, except where there is a final pile
10 which contains less than 50, in which case, the counting team shall affix to the
11 top of the pile a note indicating how many ballots are contained in the pile. All
12 of these ballots then shall be transferred to another team which shall verify that
13 they are in piles of 50 ballots each and that any remaining pile contains the
14 designated number of ballots.

15 (2) The teams, except the clerk observer team and possibly the team
16 which is processing the checklists, shall proceed to their tables and each team
17 shall get from the clerk one pile of ballots, one tally sheet and one double-
18 check sheet per 50 ballots, unless there are more persons per team who serve as
19 double-check persons, in which case, each such person shall be assigned a

ANNOTATED VERSION

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1 double-check sheet. If a team spoils a tally sheet or needs to retally, it must
2 turn in the tally sheet in order to get another one.

3 (e) First tally.

4 (1) The caller shall call the name of the person voted for and any blank
5 or spoiled ballots. The tally person and the double-check person or persons
6 each shall make a suitable mark for that candidate and any blank or spoiled
7 ballots.

8 (2) If the caller and the observer or observers do not agree on how a
9 ballot should be counted, the entire team shall review the ballot and if all
10 members agree, it shall be counted that way.

11 (3) If one member of the entire team does not agree, that ballot shall be
12 set aside as a questioned ballot and a copy shall be made, which copy shall be
13 clearly marked on its face identifying it as a copy. Such copies shall be placed
14 on the top of the other ballots and shall remain together with the other ballots.
15 Each original ballot deemed questionable shall be attached to a note which
16 identifies it by town, polling place, and bag seal number. The originals of
17 these questionable ballots shall be clipped to the summary sheet for that
18 polling place and returned to the board of civil authority for a final decision by
19 majority vote.

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1 (4) After the board of civil authority has rendered a final decision on a
2 given questionable ballot it shall be returned to the clerk who shall keep it in a
3 sealed container for a period of two years.

4 (5) Write-in votes for preprinted candidates shall be counted as votes for
5 that candidate.

6 (6) If the tally persons do not agree on the number of votes for a
7 candidate, the ballots shall be retallied until they do agree. Then the team shall
8 notify the clerk that it has completed the first recount.

9 (f) Second tally.

10 (1) The town clerk shall attach to the tally and double-check sheets a
11 note which indicates which team members performed which functions in the
12 first recount, and shall provide the team with a new tally sheet and an
13 appropriate number of double-check sheets to match the number of people
14 serving as double-check persons.

15 (2) The members of the team then shall switch roles, with callers and
16 observers becoming tally persons and double-check persons, as designated by
17 the clerk, and the team shall complete a second recount, following the
18 procedures established for the first recount.

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1 (3) When the results of the second recount match those of the first, a
2 note shall be attached to the tally and double-check sheets, indicating which
3 persons provided what functions during the second recount.

4 (4) Then the team shall take its tally sheets, double-check sheets, and
5 ballots, plus a separate pile of questionable ballots, if any, to the clerk.

6 (5) Team members, in the presence of the clerk observer team, shall
7 read the totals to the clerk who, in the view of these observers, shall record the
8 totals on the summary sheet for that polling place.

9 (6) After a team has presented its pile of ballots to the clerk, it shall be
10 assigned another pile of ballots, until all of the piles from a particular polling
11 place have been recounted two times.

12 (g) Completing the tally.

13 (1) After the totals for a polling place have been listed, the town clerk
14 shall add them up in the presence of the clerk observer team, and shall compare
15 the number with the number of voters who voted at that polling place,
16 according to the number obtained from the team that examined the certified
17 checklist. If these numbers differ, the clerk shall note the amount of the
18 difference on the summary sheets for that polling place.

19 (2) The clerk shall return all ballots to the container, seal it, record the
20 seal number on the summary sheet, write “recounted” and specify the date of

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1 the recount on the tag, and move it to the other side of the room, making sure
2 that there is never more than one bag open at any one time.

3 (3) This procedure shall be repeated for each container, until the results
4 from a polling place have been recounted, and then it shall be repeated until the
5 results from all polling places in a town have been recounted.

6 (4) The clerk shall add the totals on each summary sheet, affix the
7 clerk's seal, and send the summary sheets for all polling places together with
8 the master list and any questionable ballots to the board of civil authority.

9 (h) Other rules for conducting the recount.

10 (1) The town clerk shall preserve order. If a person, after notice, is
11 persistently disorderly and refuses to withdraw from the premises, the clerk
12 may cause the person to be removed from the premises.

13 (2) The clerk shall designate an area within which the recount shall take
14 place. Persons who are not board of civil authority members or appointed
15 impartial assistants shall be permitted to view a recount in progress, but
16 persons not authorized by the clerk shall not be permitted within the area
17 designated by the clerk.

18 (3) Candidates and their attorneys shall be given the opportunity to
19 present evidence to the board of civil authority relating to the conduct of the
20 recount. If the board determines that any violations of recount procedures have

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1 occurred and that they may have affected the outcome of the recount, a new
2 recount shall be ordered. After such hearings or arguments as may be
3 indicated under the circumstances, the board, within five working days, shall
4 issue a judgment, which shall supersede any certificate of election previously
5 issued and shall return to the town clerk questionable ballots which had been
6 forwarded to the board.

7 (i) After the recount.

8 (1)(A) If the recount results in a tie, the board of civil authority shall
9 order a recessed election to be held, within three weeks of the recount, on a
10 date set by the board. The only candidates who shall appear on the ballot at the
11 recessed election shall be those who tied in the previous election. The recessed
12 election shall be considered a separate election for the purpose of voter
13 registration under chapter 43 of this title.

14 (B) If the recount confirms a tie, as to any public question, no
15 recessed election shall be held, and the question shall be certified not to have
16 passed.

17 (C) Warnings for a recessed election shall be posted as required by
18 this chapter, except that the warnings shall be posted not less than 10 days
19 before the recessed election. The conduct of a recessed election shall be as
20 provided in this chapter for local elections.

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1 **(2) The town clerk shall send a certified copy of the judgment to the**
2 **Secretary of State.**

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

4 § 2688. RECOUNT ON QUESTION SUBMITTED

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

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

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

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1 successive weeks in each of the papers at the expense of the ~~state~~ State and on
2 the websites of the General Assembly and the Office of the Secretary of State.

3 **[HGO]**

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

5 § 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;

6 BALLOTS

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

13 The proposal shall be so published once each week for three successive weeks
14 in each of the papers at the expense of the state State and on the websites of the
15 General Assembly and the Office of the Secretary of State. ~~He or she~~ **[HGO]**

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

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

2 § 2302. STATE ~~CHAIRMAN~~ CHAIR TO CALL CAUCUS

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

7 (b) At least 14 days before the date set for the caucuses, the state ~~chairman~~
8 chair shall mail **or electronically mail** a notice of the date and purpose of the
9 caucuses to each town clerk and to each town ~~chairman~~ **and county** chair of the
10 party, ~~and shall cause the notice to be published in at least two newspapers~~
11 ~~having general circulation within the state~~ State and in at least one electronic
12 ~~news media website that specializes in news of the State.~~ **[VDP]**

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

14 § 2303. TOWN ~~CHAIRMAN~~ CHAIR TO GIVE NOTICE

15 (a) The town ~~chairman~~ chair or, if unavailable, or if the records of the
16 ~~secretary of state~~ Secretary of State show there is no ~~chairman~~ chair, any three
17 voters of the town, shall arrange to hold a caucus on the day designated by the
18 state ~~chairman~~ chair, in some public place within the town, and shall set the
19 hour of the caucus.

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1 **(b)(1)** At least five days before the day of the caucus, the ~~chairman~~ town
2 chair shall post a notice of the date, purpose, time, and place of the caucus in
3 the town clerk's office and in at least one other public place in town.

4 **(2)** In towns of ~~1,000~~ 3,000 or more population, he or she shall also
5 publish the notice:

6 **(A)(i)** in a newspaper having general circulation in the town; or

7 **(B)(ii)** in a nonpartisan electronic news media website that specializes
8 in news of the State; and

9 ~~**(B) on the municipality's website.**~~ **[VDP]**

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

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

14 § 2309. FIRST MEETING OF COUNTY COMMITTEE

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

18 **(2)** The ~~state~~ State ~~chairman~~ chair shall notify the ~~chairmen~~ chairs of the
19 county committees of the date of the meeting ~~and shall publish notice in at~~

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1 ~~least two newspapers with general circulation within the state~~ State and in at
2 ~~least one electronic news media website that specializes in news of the State.~~

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

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

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

15 § 2641. WARNING AND NOTICE REQUIRED; PUBLICATION OF
16 WARNINGS

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

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1 and the polling places are not all in the same building, the warning and notice
2 shall be posted in at least two public places within each voting district and in or
3 near the town clerk's office.

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

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

14 * * * Lobbyists * * *

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

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

18 * * *

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

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

3 (A) advertising, including television, radio, print, and electronic
4 media;

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

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

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

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

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

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

19 (2) The total amount of compensation paid to lobbyists or lobbying
20 firms for lobbying. The employer shall report the name and address of each

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1 lobbyist or lobbying firm to which the employer pays compensation. It shall
2 be sufficient to include a prorated amount based on the value of the time
3 devoted to lobbying where compensation is to be included for a lobbyist or
4 lobbying firm whose activities under this chapter are incidental to regular
5 employment or other responsibilities to the employer.

6 (3) An itemized list of every gift the value of which is greater than
7 \$15.00, made by or on behalf of the employer to or at the request of one or
8 more legislators or administrative officials or a member of a legislator's or
9 administrative official's immediate family. With respect to each gift, the
10 employer shall report the date the gift was made, the nature of the gift, the
11 value of the gift, the identity of any legislators or administrative officials who
12 requested the gift, and the identity of any recipients of the gift. Monetary gifts,
13 other than political contributions, shall be prohibited.

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

17 (A) a legislator or administrator;

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

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

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

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

5 (A) advertising, including television, radio, print, and electronic
6 media;

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

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

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

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

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

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

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1 (2) The total amount of compensation paid to a lobbyist, who is not
2 employed by, subcontracted by, or affiliated with a lobbying firm, for
3 lobbying, including the name and address of each registered employer who
4 engaged the services of the lobbyist reporting. It shall be sufficient to include
5 a prorated amount based on the value of the time devoted to lobbying where
6 compensation is to be included for a lobbyist whose activities under this
7 chapter are incidental to other responsibilities to the employer. A lobbyist who
8 is employed by, subcontracted by, or affiliated with a lobbying firm shall not
9 report individual compensation. The total compensation paid to the lobbying
10 firm shall be reported pursuant to section 264b of this title.

11 (3) An itemized list of every gift, the value of which is greater than
12 \$15.00, made by or on behalf of a lobbyist to or at the request of one or more
13 legislators or administrative officials or a member of the legislator's or
14 administrative official's immediate family. With respect to each gift, the
15 lobbyist shall report the date the gift was made, the nature of the gift, the value
16 of the gift, the identity of any legislators or administrative officials who
17 requested the gift, and the identity of any recipients of the gift. Monetary gifts,
18 other than political contributions, shall be prohibited.

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

3 (A) advertising, including television, radio, print, and electronic
4 media;

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

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

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

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

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

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

19 (2) The total amount of compensation paid to a lobbying firm for
20 lobbying with the name and address of each registered employer who engaged

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1 the services of the lobbying firm reporting. It shall be sufficient to include a
2 prorated amount based on the value of the time devoted to lobbying where
3 compensation is to be included for a lobbying firm whose activities under this
4 chapter are incidental to other responsibilities to the employer.

5 (3) An itemized list of every gift the value of which is greater than
6 \$15.00, made by or on behalf of the lobbying firm to or at the request of one or
7 more legislators or administrative officials or a member of a legislator's or
8 administrative official's immediate family. With respect to each gift, the
9 lobbying firm shall report the date the gift was made, the nature of the gift, the
10 value of the gift, the identity of any legislators or administrative officials who
11 requested the gift, and the identity of any recipients of the gift. Monetary gifts,
12 other than political contributions, shall be prohibited.

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

16 (A) a legislator or administrator;

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

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

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

2 § 2369. DETERMINING WINNER; TIE VOTES

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

6 (b) If two or more candidates of the same party are tied for the same office,
7 the choice among those tied shall be determined upon five days' notice and not
8 later than 10 days following the primary election by the committee of that
9 party, which shall meet to nominate a candidate from among the tied
10 candidates. The committee that nominates a candidate shall be as follows:

11 (1) ~~Upon five days notice and not later than 10 days following the~~
12 ~~primary election,~~ the state committee of a party; for a state or congressional
13 office;

14 (2) the senatorial district committee for state senate;

15 (3) the county committee for county office; or

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

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1 other effect on the meaning of the statutes in which the changes are made.

2 These changes ~~may~~ **shall** also be made when new legislation is proposed **or**

3 **when there is a republication of the Vermont Statutes Annotated.** [BAW]

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

5 Sec. 72. TOWN VS. MUNICIPALITY OR POLITICAL SUBDIVISION

6 The Office of Legislative Council is directed to search the statutes within

7 Title 17 of the Vermont Statutes Annotated for the use of the word “town” and,

8 in consultation with the Office of the Secretary of State, prepare by

9 ~~November 15, 2013~~ **November 15, 2014** a draft bill that would replace the

10 word “town” with the word “municipality” or with the term “political

11 subdivision” where the context of a statute is meant to include or should apply

12 to a political subdivision of the State other than a town, as that term is defined

13 in 17 V.S.A. § 2103. [BAW]

14 * * * Effective Dates * * *

15 Sec. 73. EFFECTIVE DATES

16 This act shall take effect on ~~July 1, 2013~~ **July 1, 2014**, except:

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

18 **(A) this section;**

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

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1 **(C) Sec. 16, 17 V.S.A. § 2356 (time for filing petitions and**
2 **statements of nomination); and**
3 **(D) Sec. 18, 17 V.S.A. § 2413 (nomination of justices of the peace);**
4 (2) Secs. 36, 17 V.S.A. § 2534 (list of early or absentee voters) and 40,
5 17 V.S.A. § 2593 (participation to be entered on statewide checklist by town
6 clerk), shall take effect on ~~January 15, 2015~~ July 1, 2015; and **[SoS]**
7 **(3) Sec. 27, 17 V.S.A. § 2941(b) (political subdivisions; vote tabulators;**
8 **town requirement to use vote tabulators) shall take effect on July 1, 2016.**
9 **[HGO]**
10 **and that after passage the title of the bill be amended to read: “An act relating**
11 **to miscellaneous changes to election laws and to lobbyist reporting”.** **[BAW]**

12
13
14
15
16

(Committee vote: _____)

Representative Martin
FOR THE COMMITTEE