

## S.86: Section-by-Section Summary

Sec. S/H	Statutory Citation/ Session Law Title	Statute/Session Law Description	Details of Amendments As Passed Senate	Details of Amendments As Passed House: Difference from As Passed Senate
* * * Offenses Against the Purity of Elections * * *				
1	17 V.S.A. ch. 35	Offenses Against the Purity of Elections		
	17 V.S.A. ch. 35, subchapter 1	Penalties Upon Officers		
	17 V.S.A. § 1931	Penalty for a presiding officer who knowingly receives and counts a vote from an unqualified voter or who knowingly receives from a voter more than one vote for the same office	Changed “town, village, or school district meeting” to “local” in two places to account for other “local” elections, such as for fire districts	
	17 V.S.A. § 1932	Penalty for a presiding officer who allows the ballots to be counted or the ballot box to be “turned” before the close of the polls	<ul style="list-style-type: none"> <li>Increased max fine from \$100 to \$200</li> <li>Applied the penalty to primaries</li> </ul>	<ul style="list-style-type: none"> <li>Section title revised to better reflect section content</li> <li>Instead of “turning ballot boxes” (which doesn’t seem to happen anymore), a presiding officer cannot <u>open</u> the ballot box, except as provided in § 2499, which allows them to be opened if more room is necessary for a vote tabulator</li> <li>Instead of referring to the “hour set by the legislative branch” (which was from 1961 when the local legislative body set the time the polls close), a more generic reference to the close of polls is used</li> </ul>
	17 V.S.A. § 1933	Penalty for a public officer who willfully neglects to perform an elections duty or who willfully performs it in a way to hinder the purpose of the law	Removed reference to repealed chapters and sections	
	17 V.S.A. ch. 35, subchapter 2	Penalties Upon Voters		
	17 V.S.A. § 1971	Penalty for a voter who casts more than one ballot for the same office	<ul style="list-style-type: none"> <li>Applied the penalty to primaries</li> <li>Substituted “local election” for “in town meeting” to cover all local elections</li> </ul>	
	17 V.S.A. § 1972	Penalty for a voter who shows his or her ballot to another person; makes a distinguishing mark on a ballot; interferes with the voting of another; or tries to induce another voter to vote for a candidate	<ul style="list-style-type: none"> <li>Divided section into subsections</li> <li>Specified in new subsection (b) that an election official has the duty to ensure that an offender under subsection (a) is prosecuted <u>for a violation of this section</u></li> </ul>	
	17 V.S.A. § 1973	Penalty for a person who votes for the same office on the same day in more than one town, district, or ward	No changes made; statute provided for reference only	

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	17 V.S.A. § 1974	Penalty for a person who votes in a political subdivision in which s/he is not a resident (ex: person who used to live and is registered in Ward X of a city; later moves to Ward Y of that city but fails to register in Ward Y; and then votes in Ward X)	Substituted “political subdivision” for “town” for a broader meaning	
	17 V.S.A. ch. 35, subchapter 3	Miscellaneous		
	17 V.S.A. § 2011	Penalty for a person who knowingly swears to false information in response to a BCA or town clerk’s revision of the voter checklist	Added town clerk to reflect amendments made in Sec. 3 of this bill that allow a BCA to request its town clerk to perform duties relating to revising the voter checklist	
	17 V.S.A. § 2012	Penalty for a person who knowingly causes another person to be wrongfully added or removed from a voter checklist	<ul style="list-style-type: none"> <li>• Substituted “political subdivision” for “town”</li> <li>• Increased max fine from \$100 to \$200</li> </ul>	
	17 V.S.A. § 2013	Penalty for a person who knowingly gives false information at an election re: a person’s right to vote at the election	<ul style="list-style-type: none"> <li>• Applied the penalty to local and primary elections</li> <li>• Increased max fine from \$100 to \$200</li> </ul>	
	17 V.S.A. § 2014	Penalty for a person who votes at an election for an officer when the person knows s/he is not qualified to so vote	<ul style="list-style-type: none"> <li>• Substituted “local” election for “town, village, or school district meeting” and added primaries</li> <li>• Increased max fine from \$100 to \$200</li> </ul>	
	17 V.S.A. § 2015	Penalty for a person who gives or offers to give a vote in the name of another person s/he is impersonating or in the name of a fictitious person	<ul style="list-style-type: none"> <li>• Substituted “local” election for “town, village, or school district meeting” and added primaries</li> <li>• Increased max fine from \$100 to \$200</li> </ul>	
	17 V.S.A. § 2016	Penalty for a person who willfully aids or abets an unqualified voter in voting or attempting to vote	<ul style="list-style-type: none"> <li>• Applied penalty to local and primary elections</li> <li>• Increased max fine from \$100 to \$200</li> </ul>	
	17 V.S.A. § 2017	Penalty for a person who attempts by bribery, threats, or undue influence to dictate, control, or alter the vote of another	Applied penalty to local and primary elections	
	17 V.S.A. § 2018	Penalty for a person who uses intoxicating liquor to influence votes or to reward voting as previously directed	Specified the elections to which the penalty applies, rather than cross-referencing § 2017	Section repealed because substance is covered by § 2017
	17 V.S.A. § 2019	Penalty for a person who willfully defaces, destroys, or removes election materials	<ul style="list-style-type: none"> <li>• Specified this section applied to local, primary, and general elections</li> <li>• Increased fine from \$50 to \$200</li> </ul>	

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	17 V.S.A. § 2020	Provided which of the foregoing statutes also applied to primary elections	Statute repealed since foregoing statutes specified when they would apply to primaries	
	17 V.S.A. § 2021	Penalty for a person who falsely makes, willfully destroys, or otherwise interferes with primary documents or who alters or delays ballots	Increased fine from \$100 to \$200	Section title revised to better reflect section content
* * * Definitions * * *				
2	17 V.S.A. § 2103	Definitions for Title 17	<ul style="list-style-type: none"> <li>• (4): “voting machine” to “vote tabulator”</li> <li>• (24): adds representative and senatorial district to definition of “political subdivision” <ul style="list-style-type: none"> <li>◦ Significance in reapportionment, where under 17 V.S.A. § 1903(1), a standard is the “preservation of existing political subdivision lines”</li> </ul> </li> <li>• (35): technical correction b/c 24 V.S.A. § 712 does not exist; town clerks get elected under 17 V.S.A. § 2646 or they may otherwise be elected or appointed by charter or in cases of vacancy</li> <li>• (41): technical correction to name of Department of Labor</li> <li>• (43): new definition of “vote tabulator”; note that the definition does not include voting directly on a machine</li> </ul>	
* * * Revisions of Checklists and Voter Registration * * *				
3	17 V.S.A. § 2141	Requirement that a town clerk post voter checklists and cost of providing copies of the list	<ul style="list-style-type: none"> <li>• (a): specifies all elections; substitutes “political subdivision” for “town” since “political subdivision” is more comprehensive</li> <li>• (b): separates providing making copies of the list and the cost therefor into new subsection (c)</li> </ul>	(a): Substitutes “ <u>municipality</u> ” for “ <u>political subdivision</u> ” because under 1 V.S.A. § 126, “municipality” refers to incorporated governmental units (towns, school districts, fire districts, etc.), whereas under As Passed Senate, 17 V.S.A. § 2103(24), “political subdivision” would include representative and senatorial districts. Therefore, without this change, a town clerk would have to post voter checklists in each representative district, which in some cases, like Burlington, are numerous within a single municipality
	17 V.S.A. § 2142	Initial provisions for a meeting to revise the voter checklist	<ul style="list-style-type: none"> <li>• Separates section into subsection and in new (c)</li> <li>• Gets rid of “lodged”</li> </ul>	
	17 V.S.A. § 2143	Appointing members of underrepresented parties to a BCA, but those members only have BCA authority re: elections	Technical grammatical correction in subsection (b)	
	17 V.S.A. § 2144b	Applications for addition to the voter checklist	Technical correction; strikes inaccurate reference to 17 V.S.A. § 2103, which is definitions section	(a)(1): Specifies that it’s three business days by which town clerks must add voter information to the statewide voter checklist
	17 V.S.A. § 2145	Acting on applications for addition to the checklist	Allows a BCA to give checklist duties to the town clerk	<ul style="list-style-type: none"> <li>• (a)(1)(E): Adds the option for a checklist applicant to provide his/her e-mail address</li> <li>• (d): Adds current ability for town to provide notice to applicant’s previous town by electronically submitting via statewide voter checklist</li> </ul>

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	17 V.S.A. § 2145a	DMV acting on voter registration applications	<ul style="list-style-type: none"> <li>Reduces the number of days the DMV has to forward applications to the Sec. of State from 10 to five</li> <li>In the case of an application accepted within five days before the checklist is closed, the DMV has two days to submit, instead of five</li> </ul>	Additional language that voter registration application be submitted before the close of checklist only if one is accepted within X days of close of checklist did not seem to make sense for those applications that are accepted prior to that time. Instead, new language would specify that all applications — no matter when they are accepted — must be submitted before close of checklist
	17 V.S.A. § 2145b	Voter registration agencies acting on applications	Specifies that if the VRA accepts an application within five days of the close of the checklist, the application must be submitted to the Sec. of State before the checklist closes	Additional language that voter registration application be submitted before the close of checklist only if one is accepted within X days of close of checklist did not seem to make sense for those applications that are accepted prior to that time. Instead, new language would specify that all applications — no matter when they are accepted — must be submitted before close of checklist
	17 V.S.A. § 2145c	Other organizations acting on applications	<ul style="list-style-type: none"> <li>New section</li> <li>Submission is to town clerk, not Sec. of State</li> <li>Submission within seven days or if accepted within five days of close of checklist, before the close of the checklist</li> </ul>	Additional language that voter registration application be submitted before the close of checklist only if one is accepted within X days of close of checklist did not seem to make sense for those applications that are accepted prior to that time. Instead, new language would specify that all applications — no matter when they are accepted — must be submitted before close of checklist
	17 V.S.A. § 2146	BCA or town clerk revising a checklist	<ul style="list-style-type: none"> <li>BCA may request the town clerk inform an applicant of the BCA’s action to add his or her name to the checklist</li> <li>Note that in subsection (b), it is still the BCA who informs a person if s/he was rejected from being placed on the checklist, and in subsection (c), only the BCA may remove a person’s name from the checklist</li> </ul>	
	17 V.S.A. § 2147	Provisions to alter a checklist	(a): BCA may request the town clerk to alter the checklist (after BCA removes any names under 17 V.S.A. § 2150)	
	17 V.S.A. § 2150	Process to remove a name from the checklist	<ul style="list-style-type: none"> <li>(a): substitutes “political subdivision” for “town” since “political subdivision” includes fire districts, wards, etc.</li> <li>(c): adds that the town clerk may be the person unable to determine that a person is still qualified to vote; allows the BCA to request that the town clerk send a notice to the person</li> <li>(d)(3): adds that town clerk may be the person who is unable to locate a voter on the checklist or who finds the voter is no longer eligible to vote and allows the BCA to request that the town clerk send a notice to the voter</li> </ul>	<ul style="list-style-type: none"> <li>(a)(1): Adds current ability for town to provide notice to applicant’s previous town by electronically submitting via statewide voter checklist</li> <li>(c): Technical correction in second sentence to remove “<u>or the town clerk</u>” b/c a town clerk is not given authority under (d)(1) or (2) to determine whether a person is qualified to vote</li> </ul>
X/3	17 V.S.A. § 2154	Statewide voter checklist	<i>n/a</i>	Makes a person’s street address, if different from a mailing address, a public record in the statewide voter checklist
X/4	1 V.S.A. § 317(c)(31)	Public Record Act exemptions; statewide voter checklist	<i>n/a</i>	Removes a person’s street address, if different from a mailing address, from being exempt from public inspection and copying under the Public Records Act
* * * Party Organization * * *				
X/5	17 V.S.A. § 2307	Certifying officers and county committee delegates	<i>n/a</i>	Eliminates need to mail this information to town clerks

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X/6	17 V.S.A. § 2310	Electing State committee	<i>n/a</i>	Eliminates need to have male and female national committee members on the State committee, and eliminates requirement that a male and female be elected if two additional members are elected
X/7	17 V.S.A. § 2311	Certifying county officers and State committee members	<i>n/a</i>	Eliminates need to mail this information to the county clerk
X/8	17 V.S.A. § 2313	Filing State committee certificate of organization	<i>n/a</i>	(a)(2): State committee, in order to organize, would need to have at least 30 town committees and at least seven county committees organized
X/9	17 V.S.A. § 2314	Officers required of a political committee	<i>n/a</i>	Eliminates requirement that party committees need to elect an assistant treasurer
X/10	17 V.S.A. § 2315	Requirement that party committees adopt bylaws and rules and file them with Sec. of State	<i>n/a</i>	Repeals this requirement
X/11	17 V.S.A. § 2317	Prohibition that voters can't participate in the caucus of more than one party	<i>n/a</i>	Includes county and State caucuses in this prohibition
X/12	17 V.S.A. § 2318	Organization of minor political parties	<i>n/a</i>	Notwithstanding change made in § 2313(a)(2), provides that minor political parties need not be organized in 30 towns or seven counties like major political parties would under § 2313(a)(2)
X/13	17 V.S.A. § 2320	Sets the delegates to the State platform convention and requirement that Sec. of State deliver roll of nominees upon request	<i>n/a</i>	Repeals the setting of delegates and Sec. of State's requirement
4/14	17 V.S.A. § 2321	Definition of "representative district committee"	Technical correction: LAB doesn't "finally establish" representative districts	
* * * Nominations * * *				
X/15	17 V.S.A. § 2351	Date of primary election	<i>n/a</i>	Moves the date of the primary to the first Tuesday in August; effective Jan. 1, 2016 via Sec. 74(3)
6/16	17 V.S.A. § 2356	Deadline by which a person must file his or her primary petitions (major party candidate) and statements of nomination (minor party candidates and independent candidates)	<ul style="list-style-type: none"> <li>(a): clarifies that primary petitions are for major party candidates and that statements of nomination are for minor party candidates (and independent candidates)</li> <li>(b): an independent candidate may file statements of nomination three days after the primary; reversal of "sore loser"</li> <li>(c): Petitions or statements of nomination only apply to the election cycle in which they're filed</li> </ul>	<ul style="list-style-type: none"> <li>(a): Returns independent candidates to current law, so that they must file statements of nomination by the same date before the primary as primary petitions are filed by major party candidates and statements of nomination are filed by minor party candidates</li> <li>(a): Moves filing deadlines back three weeks to conform with move of primary date; effective Jan. 1, 2016 via Sec. 74(3)</li> </ul>
7/X	17 V.S.A. § 2358	Deadline to file supplementary petitions if original not in conformance	[Deleted]	<i>n/a</i>
8/X	17 V.S.A. § 2368	Scheduled meeting of the canvassing committee one week after primary	[Deleted]	<i>n/a</i>

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9/17	17 V.S.A. § 2370	Number of votes a write-in candidate needs to win a primary	Technical grammatical correction: votes:signatures	
10/18	17 V.S.A. § 2413	Warning and notice required to nominate justices of the peace	<ul style="list-style-type: none"> <li>• (a)(1): uses generic reference to primary date, rather than specifying a date</li> <li>• (a)(2): specific notice a town party committee must give when calling a caucus to nominate JoPs</li> <li>• (a)(3): both chair and secretary have to file the statement of nomination; conforms with 17 V.S.A. § 2385 (which requires both chair and secretary to file the statement)</li> <li>• (b): in case the caucus in (a)(2) doesn't meet, the town committee must nominate JoPs and provide notice at least three days prior thereto by email or mail and by posting notice</li> <li>• (c): correcting cross-reference to notice required when a political party not organized in the town and voters call a caucus</li> <li>• (d): repealed because new notice is in subsection (b)</li> </ul>	<ul style="list-style-type: none"> <li>• (a)(2)(B)(i): Allows nonpartisan electronic news media in lieu of newspaper notice</li> <li>• (c): At end of first sentence, corrects cross-reference to subsection that requires notice</li> </ul>
* * * Election Officials * * *				
X/19	17 V.S.A. § 2457	Workshops for election officials	<i>n/a</i>	<ul style="list-style-type: none"> <li>• (a): Allows the workshop to be organized by a Sec. of State designee</li> <li>• (b)(2): Town clerks need to certify compliance with (b)(1)'s election workshop requirement</li> </ul>
* * * Standardized Ballots and Vote Tabulators * * *				
11/20	17 V.S.A. § 2362	Format of a primary ballot	<ul style="list-style-type: none"> <li>• (a): ballots must be on index stock and able to be read by a vote tabulator</li> <li>• Same as H.22 except at the end of subsection (a), reference to party designation is struck because this is a primary</li> </ul>	
12/21	17 V.S.A. § 2363	Ballots and voting in a primary separated by party	<ul style="list-style-type: none"> <li>• Strikes subsection (b) which refers to physically casting votes on voting machines, which is not permitted under this bill</li> </ul>	
13/22	17 V.S.A. § 2471	Format of general election ballot	<ul style="list-style-type: none"> <li>• (a)(1): capitalization changes</li> <li>• (a)(2): ballots must be on index stock and able to be read by a vote tabulator; font size is 10 except when a name is too long font can be reduced or name shortened</li> <li>• H.22 did not have last sentence of (a)(2) (moved from current 17 V.S.A. § 2472(d), which is in a section re: ballot contents)</li> </ul>	
14/23	17 V.S.A. § 2472	Contents of the general election ballot	<ul style="list-style-type: none"> <li>• (d): equivalent of first sentence and all of second sentence now in § 2471(a)(2)</li> <li>• (e): if the legislative body determines a public question article is too long or unwieldy to show in full, the ballot can list the warning's article number and title, but each voting booth has to contain the complete article for reference</li> </ul>	

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15/24	17 V.S.A. § 2474	Provisions for candidates nominated by more than one party	<ul style="list-style-type: none"> <li>(a)(1): decreases the amount of time a person has to notify the Sec. of State or town clerk of the parties for which s/he wants to be a candidate, if nominated by more than one</li> <li>(a)(2): if the nominee fails to notify, the Sec. of State prints the major parties next to the nominee's name in a manner TBD by Sec. of State</li> <li>(b): same decrease in the amount of time to notify for candidates for state or congressional office</li> </ul>	<ul style="list-style-type: none"> <li>(a)(2): Specifies the order in which the parties will be listed if the nominee fails to inform Sec. of State of order desired</li> <li>(b)(1): Eliminates reference to congressional candidates since only statewide candidates determine whether a party will be considered a major political party</li> <li>(b)(2): Shortens time by which a statewide nominee must inform Sec. of State of choice of party and cross-reference to (a)(2) if s/he does not so inform</li> </ul>
16/25	17 V.S.A. § 2478	Number of paper ballots that need to be printed and furnished	(e) gets repealed, tweaked, and moved to its own § 2481	
17/26	17 V.S.A. § 2481	The requirement to have printed ballots	For any local, primary, or general election, and except in the case of voting from the floor, voting must be by paper ballot	Adds divisions as another exception for when paper ballots need not be used
18/27	17 V.S.A. ch.51, subch. 3 (vote tabulators)			
	17 V.S.A. § 2491	How to determine whether a town uses vote tabulators and who pays for them	<ul style="list-style-type: none"> <li>(a): keeps current law that a town can vote to use vote tabulators; strikes language referencing physically voting on a voting machine, which is not allowed under the bill</li> <li>(b): Sec. of State pays with HAVA funds available the purchase and warranty for vote tabulators, ballot boxes, and two memory cards, annual maintenance costs, and the first \$500 of the first <u>pair</u> of memory card configuration for each <u>primary and</u> general election; the town pays the rest</li> <li>H.22: <ul style="list-style-type: none"> <li>Would allow a BCA to vote to use vote tabulators, instead of the town, and would require a town with 1,000 or more registered voters to use vote tabulators</li> <li>Provided that Sec. of State covered first \$500 of a <u>single</u> memory card configuration for each <u>general</u> election</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>(a): <b>BCA decides whether to use vote tabulators for towns, rather than voters</b></li> <li>(b): <b>Towns with 1,000 or more registered voters would be required to use vote tabulators; effective July 1, 2016 via Sec. 74(4)</b></li> <li>(c)(1)(A): costs associated with each tabulator, instead of each town</li> </ul>
	17 V.S.A. § 2493	Rules the Sec. of State may adopt for the use of vote tabulators and general legislatively-enacted rules for their use	<ul style="list-style-type: none"> <li>Substituted "vote tabulator" for "voting machine" throughout</li> <li>(c): the same vote tabulator used in an election cannot be used in the recount</li> <li>(d): a vote tabulator cannot be connected to other devices</li> <li>(e): explicit restriction that vote tabulators can only count paper ballots and that a voter cannot physically vote on a voting machine</li> <li>H.22 did not include the above but provided that the Sec. of State may adopt rules re: using vote tabulators in recounts</li> </ul>	<ul style="list-style-type: none"> <li>Adds "audits" to title</li> <li>Substitutes "vote tabulator" for "machine"</li> <li>Makes audit provisions its own subdivision</li> <li>Adds new subdivision (6) re: Sec. of State adopting rules for using vote tabulators in recounts</li> </ul>
	17 V.S.A. § 2494	How the vote tabulator subchapter interacts with other election laws	Substitutes "vote tabulator" for "voting machine"	
	17 V.S.A. § 2495	<del>Form of a ballot used on voting machines</del>	This section is repealed because: <ul style="list-style-type: none"> <li>(a) refers to physically casting a vote on a machine; and</li> <li>(b) refers to ballots being configured to be read by a vote tabulator, which is addressed elsewhere in the bill</li> </ul>	

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	17 V.S.A. § 2499	The ability to transfer paper ballots from a vote tabulator to another ballot box when additional space for the tabulator is necessary	Substitutes “vote tabulator” for “voting machine”	
19/28	<u>Sec. of State; report</u>	Sec. of State report on proposed process for using vote tabulators in recounts and certifying tabulators; audits; voting by mail feasibility	Report date Jan., 15, 2014	<ul style="list-style-type: none"> <li>• Changes report date to Jan. 15, 2015</li> <li>• Adds report on using electronic signatures in election petitions</li> </ul>
20/29	17 V.S.A. § 2535	Format of early voter absentee ballots	<ul style="list-style-type: none"> <li>• Cleaning up language to generally provide that special ballots can be prepared to conform with federal or military requirements</li> <li>• Same as H.22</li> </ul>	
21/30	17 V.S.A. § 2567	Requirement that there be voting systems for people with disabilities	<ul style="list-style-type: none"> <li>• Title: amended to reflect substance of section</li> <li>• (a): Repealed b/c it referred to people physically casting votes on voting machines, which is expressly prohibited under the bill</li> <li>• (b): Strikes language re: § 2492, which is repealed under the bill</li> </ul>	(b): Conforms to S.27 (respectful language)
22/31	17 V.S.A. § 2573	Prohibition on counting ballots before close of polls	<ul style="list-style-type: none"> <li>• Section distinguishes between towns that use vote tabulators and those that do not — instead of those that use paper ballots and those that use voting machines — since “vote tabulator” is substituted for “voting machine” and paper ballots are used in tabulators</li> </ul>	Substitutes “tabulator” for “machine”
23/32	17 V.S.A. § 2583	After close of polls, tallying the number of voters on the checklist who voted, and requiring the storage of checklists	Subsection (b) repealed because it refers to provisions re: the use of voting machines (casting votes on)	<ul style="list-style-type: none"> <li>• Revises title to better reflect content</li> <li>• (a)(2): Provides cross-reference to section that permits a BCA to vote not to use an exit checklist</li> </ul>
24/33	17 V.S.A. § 2701	Date of the presidential primary; <u>form of ballot</u>	Added in requirement that presidential primary ballots be printed on index stock and be readable by vote tabulators	Revises section title to better reflect section content
*** Polling Places ***				
25/34	17 V.S.A. § 2502	Location of polling places	<ul style="list-style-type: none"> <li>• (b): strikes “but not limited to” in accordance with 2013 Act No. 5 (statutory revision), § 4</li> <li>• (c)(1): Adds requirement that a town clerk submit to Sec. of State 30 days before a local, primary, or general election a list of polling places for the election, incl. opening time</li> <li>• (c)(2): Municipality prohibited from changing location of polling place less than 30 days prior to an election except in case of emergency. If this happens, town clerk must notify Sec. of State within 24 hours and Sec. of State must inform State chairs of major political parties</li> <li>• (c)(3): Sec. of State provides on official website a list of polling places used in a primary or general election</li> </ul>	<ul style="list-style-type: none"> <li>• (b) and (c): Respectful language changes</li> <li>• (c)(2)(B): Sec. of State assists any municipality that needs to change the location of a polling place on election day due to an emergency</li> <li>• (c)(3): Sec. of State’s website specifically will note changes in the location of a municipality’s polling place, including for local elections</li> </ul>



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Sec. S/H	Statutory Citation/ Session Law Title	Statute/Session Law Description	Details of Amendments As Passed Senate	Details of Amendments As Passed House: Difference from As Passed Senate
* * * Early or Absentee Voters * * *				
26/35	17 V.S.A. § 2532	Format of application for an early or absentee voter; submitting applications; <u>penalty for unauthorized application</u>	<ul style="list-style-type: none"> <li>(a): Adds date of application; the organization applying, if applicable; and specifying signature <u>of applicant</u></li> <li>(g): New penalties for unauthorized application and ability of AG or SA to conduct a civil investigation</li> </ul>	(g)(2): AG or State's Attorney <u>shall</u> conduct a civil investigation (rather than <u>may</u> ) and at end of sentence, corrects new cross-reference to campaign finance section re: civil investigation
27/36	17 V.S.A. § 2534	<u>Sec. of State to maintain list of early or absentee voters and town clerks update Sec.'s list</u>	<ul style="list-style-type: none"> <li>(a): Sec. of State maintains the statewide list of early or absentee voters for each primary, presidential primary, and general election. List contains specific EAV info</li> <li>(b): Town clerks no longer maintain these lists; they just update the Sec. of State's list</li> </ul>	(a): <ul style="list-style-type: none"> <li>Sec. of State does not need to maintain the list on his or her website; just make the list accessible</li> <li>Specifies the list is of voters who <i>requested</i> an early voter absentee ballot</li> <li>Technical correction re: State voter ID <u>number</u></li> </ul>
X/37	17 V.S.A. § 2538	Requirements for JOPs to deliver early voter absentee ballots to peoples' homes	<i>n/a</i>	<ul style="list-style-type: none"> <li>(a)(2): BCA able to delegate to town clerk duty to designate JOPs</li> <li>(b): Clerk gives the JOPs the early voter absentee ballots as soon as they are available (rather than in the eight days before election)</li> </ul>
X/38	17 V.S.A. § 2539	Mailing early voter absentee ballots; military/overseas voters	<i>n/a</i>	(c): <b>Town clerks required to be open on the 46th day prior to general election</b> and shall mail or email all requested early voter absentee ballots by that day; conforms to federal law requirement re: mailing or emailing military/overseas ballots by 46th day
28/39	17 V.S.A. § 2546	Process for getting early voter absentee ballots to the polling place and commingling those ballots with ballots cast at the polling place	<ul style="list-style-type: none"> <li>(a): Separated subsection into subdivisions</li> <li>Substituted "vote tabulator" for "voting machine" throughout</li> </ul>	
* * * Count and Return of Votes * * *				
29/40	17 V.S.A. § 2588	Tallying vote counts on summary sheets; <u>reporting and posting unofficial vote counts</u> ; and transferring summary sheet totals to the return document	<ul style="list-style-type: none"> <li>(b): Substituted "vote tabulator" for "voting machine"</li> <li>(c)(1): Added that town clerks must immediately submit unofficial vote counts to the Sec. of State either electronically on the online elections reporting system or, if unable to submit electronically, to phone, fax, or email</li> <li>(c)(2): If submitted by phone, fax, or email, Sec. of State shall ensure the counts are entered onto the online elections reporting system as soon as practicable</li> <li>(c)(3): Online elections reporting system must post unofficial vote counts immediately, as soon as they are submitted</li> </ul>	(c)(1): Instead of a town clerk needing to immediately report, s/he must report as soon as practicable on the day of the election
30/41	17 V.S.A. § 2593	Town clerks entering voter participation data on the municipal checklist	<ul style="list-style-type: none"> <li>In addition to general elections, adds that this must be done for primaries and presidential primaries</li> <li>In addition to voter participation, town clerk must provide the participation method and, if applicable, the political party ballot chosen</li> </ul>	
* * * Recounts * * *				
31/42	17 V.S.A. ch. 51, subch. 9 (recounts and contest of elections)			

## S.86: Section-by-Section Summary

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	17 V.S.A. § 2601	Margin of loss necessary for a losing candidate to be able to request a recount	<ul style="list-style-type: none"> <li>Separated section into subsections for ease of reading</li> <li>(a): Added “divided by the number of persons elected” for multi-candidate districts; matches new subsection (b)</li> </ul>	
	17 V.S.A. § 2602	Procedure for conducting recounts, except recounts for local elections and for justices of the peace (which are handled under 17 V.S.A. ch. 55, subch.3)	<ul style="list-style-type: none"> <li>(c): Instead of the town clerks needing to appoint two election officials who are not members of the same political party to transport ballots to the county clerks for the recount, the ballots can be transported by the town clerks or their designees</li> </ul>	<ul style="list-style-type: none"> <li>Changes section title to better reflect content</li> <li>(b): Petition for recount must be submitted seven days after election, rather than 10</li> <li>(c)(1): Court sets date of recount to be five business days after it receives the petition and notifies candidates no later than next business day</li> <li>(c)(2): Court forwards a copy of the petition to the county clerk because § 2602a(a) refers to county clerk receiving a copy of the petition <ul style="list-style-type: none"> <li>Struck reference to court appointing recount committee b/c it’s also in § 2602a(b)(1)</li> </ul> </li> </ul>
X/42	17 V.S.A. § 2602a	Court’s appointment of recount committee; setting date of recount	<i>n/a</i>	<ul style="list-style-type: none"> <li>Changes section title to better reflect content</li> <li>Adds “county” preceding “clerk” throughout for clarity</li> <li>(a)(5): County clerk alerts candidates of deadline if list is not delivered within two business days, rather than “with due speed”</li> <li>(b)(2): Strikes reference to court ordering town clerks to appoint persons to transport ballots b/c it’s also in § 2602(c)</li> </ul>
	17 V.S.A. § 2602b	County clerk supervises the recount and assigns duties; materials required to be used	<ul style="list-style-type: none"> <li>(a): County clerk required to recruit town clerks to serve as impartial assistants in operating the vote tabulators used in the recount</li> </ul>	
	17 V.S.A. § 2602c	Recount preparation	<ul style="list-style-type: none"> <li>(a): County clerk uses volunteer town clerks to operate and instruct on using vote tabulators</li> <li>(b): Cleaning up language to specify that each recount team recounts the contents of one container before opening another container <u>at the team’s table</u></li> </ul>	Adds “county” preceding “clerk” throughout for clarity
X/42	17 V.S.A. § 2602d	Examining checklists in recounts	<i>n/a</i>	(d): Adds “county” preceding “clerk” throughout for clarity
X/42	17 V.S.A. § 2602e	Sorting ballots in recounts	<i>n/a</i>	(e): Adds “county” preceding “clerk” for clarity
	17 V.S.A. § 2602f	After ballots from a container are put into 50-count piles under § 2602e, <u>ballots from each pile get fed into vote tabulators</u>	<ul style="list-style-type: none"> <li>Amends section to provide that instead of hand-counting, recounts are conducted using vote tabulators</li> <li>(a): One team feeds ballots from a 50-count pile into a vote tabulator. For any ballots unable to be read by vote tabulator, a second team transfers the voter’s choice on those ballots to blank ballots provided by the Sec. of State. The first team then feeds those transferred ballots through the vote tabulator. The recount teams switch roles for each subsequent container until all ballots have gone through the tabulator.</li> <li>(b): After all ballots have gone through the tabulator, a recount team prints out the tabulator tape containing unofficial results, and those results get documented on a tally sheet. Another recount team then opens the tabulator’s ballot box and removes the ballots. The ballots</li> </ul>	(a)(1): Substitutes “vote tabulator” for “machine”

**S.86: Section-by-Section Summary**

Sec. S/H	Statutory Citation/ Session Law Title	Statute/Session Law Description	Details of Amendments As Passed Senate	Details of Amendments As Passed House: Difference from As Passed Senate
			get divided among recount teams to find write-ins and markings not machine-readable, as outlined in the Sec. of State’s tabulator guide and elections procedures manual. <ul style="list-style-type: none"> <li>(f): If tally persons do not agree on number of votes for a candidate <u>on ballots not able to be read by tabulator</u>, they have to retally until there is agreement. The recount is then complete.</li> </ul>	
X/42	17 V.S.A. § 2602h	Completing the tally in a recount	<i>n/a</i>	Adds “county” preceding “clerk” throughout for clarity
X/42	17 V.S.A. § 2602i	Costs of the recount	<i>n/a</i>	Adds “county” preceding “clerk” for clarity
X/42	17 V.S.A. § 2602j	Other rules for conducting a recount	<i>n/a</i>	Adds “county” preceding “clerk” throughout for clarity
	17 V.S.A. § 2602k	What happens after the recount (if there is a tie; storage of ballots until returned to towns; court notifies Sec. of State)	<ul style="list-style-type: none"> <li>(b): Town clerks or their designees transfer the ballots back to their towns, rather than State Police</li> </ul>	
32/43	REPEAL	Repeal of certain sections in the vote tabulator and recount subchapters	<ul style="list-style-type: none"> <li>17 V.S.A. § 2492 (legislative branch to obtain voting machines; who pays for what costs): This is now covered by 17 V.S.A. § 2491 (political subdivisions; vote tabulators) of this bill</li> <li>17 V.S.A. § 2602 (second tally in hand recounts): No longer necessary to do a second tally since recounts are conducted with vote tabulators</li> <li>17 V.S.A. § 2602l (recounts using voting machines; recounts by hand unless candidate who petitioned for recount requests optical scanner): No longer applicable since all recounts are conducted with vote tabulators</li> </ul>	
<i>*** Vacancies ***</i>				
X/44	17 V.S.A. § 2623	Governor appoints in certain vacancies	<i>n/a</i>	Adds “or parties” following “party” to acknowledge those officers who represent more than one party
<i>*** Local Elections ***</i>				
33/45	17 V.S.A. § 2640	Requirement to hold annual town meetings	<ul style="list-style-type: none"> <li>(a): Substitutes “municipality” for “town” because under 1 V.S.A. § 126, “municipality” is more comprehensive in that it includes all incorporated governmental units, such as fire districts</li> </ul>	
X/46	17 V.S.A. § 2642	Warnings and notice for local elections	<i>n/a</i>	<ul style="list-style-type: none"> <li>(a)(3)(A): Voter petitions must be filed <u>45</u> days prior to the meeting, due to new supplementary petition provisions in new (a)(3)(B)</li> <li>(a)(3)(B): New provisions for when original petition does not conform to requirements; uses language for non-local candidate petitions</li> </ul>
X/47	17 V.S.A. § 2643	Special local meetings	<i>n/a</i>	<ul style="list-style-type: none"> <li>(a): Clarifies that special meetings need to be warned – rather than looser “called” – within 15 days, and provides that it’s when the application is received by the clerk</li> <li>(b): Repealed; re: beginning these special meetings on day before the polls</li> </ul>
34/48	17 V.S.A. § 2646	The officers a town must elect at its annual meeting, unless otherwise provided by law	<ul style="list-style-type: none"> <li>Substitutes “registered voters” for “legally qualified voters” to specify that town officers must actually be registered to vote in the town, rather than being qualified to be a voter in the town</li> </ul>	

## S.86: Section-by-Section Summary

Sec. S/H	Statutory Citation/ Session Law Title	Statute/Session Law Description	Details of Amendments As Passed Senate	Details of Amendments As Passed House: Difference from As Passed Senate
35/49	17 V.S.A. § 2660	The manner in which local elections must be conducted, including how late polls must be kept open and that a majority vote is required	<ul style="list-style-type: none"> <li>(a): Specifying that this subsection only applies to votes at a floor meeting using paper ballots (<u>not</u> Australian ballots)</li> </ul>	
36/50	17 V.S.A. § 2661	Ability to reconsider local election votes	<ul style="list-style-type: none"> <li>(f): Added to make explicit that this section is only regard to reconsidering votes on public question articles and <u>not</u> reconsidering the election of a local officer. This is how this section has been administered. General law does not provide reconsideration of votes to elect a local officer; this must be done through charter.</li> </ul>	
37/51	17 V.S.A. § 2681	What local nominating petitions and consents must contain for local elections by Australian ballot	<ul style="list-style-type: none"> <li>(a)(3): Requirement that a nominating petition show the name of the candidate as it appears on the voter checklist</li> <li>(b): Requirement that the candidate print his/her name on the petition as it appears on the checklist</li> </ul>	(a)(2): Candidates nominated by petition must file their consents by the deadline for those petitions, rather than after that filing deadline
38/52	17 V.S.A. § 2681a	Content of a local election Australian ballot	<ul style="list-style-type: none"> <li>(b)(1): Requirement that a candidate's name appear on the ballot as it did on his/her consent form</li> </ul>	
39/53	17 V.S.A. § 2682	Misc. provisions re: the conduct of local elections using Australian ballot	<ul style="list-style-type: none"> <li>(c): Strikes number of votes required for a local write-in candidate; this provision gets moved to its own new section 2682a so that it is easier to find</li> <li>(c): Repeals this subsection re: tie votes and a runoff requirement; this provision gets moved to its own new section 2682b so that it is easier to find</li> <li>(f): Adds language providing that if the same number of people are nominated for an office as there are positions to be filled for that office, the whole slate of candidates can be declared elected without making individual tallies of the Australian ballot count, so long as each person on the slate has more votes than the largest number of write-in votes for a write-in candidate</li> </ul>	
40/54	<u>17 V.S.A. § 2682a</u>	<u>Write-in candidates and the number of votes they must receive in a local Australian ballot election</u>	<ul style="list-style-type: none"> <li>Takes language stricken from 17 V.S.A. § 2682(c) and adds it here</li> </ul>	Adds "at least" preceding "30 votes"
41/55	<u>17 V.S.A. § 2682b</u>	<u>What happens when there is a tie vote in an Australian ballot election</u>	<ul style="list-style-type: none"> <li>Takes language from repealed 17 V.S.A. § 2682(e) and adds it here</li> </ul>	
X/56	17 V.S.A. § 2683	Requesting a recount in a local Australian ballot election of candidates	<i>n/a</i>	Revises section title to better reflect content
42/57	17 V.S.A. § 2685	How a local election recount is conducted	<ul style="list-style-type: none"> <li>Substituted "vote tabulator" for "optical scanner" for consistency throughout Title 17</li> </ul>	<ul style="list-style-type: none"> <li>Revises section title to better reflect content</li> <li>(a): <ul style="list-style-type: none"> <li>○ Adds reference to new § 2685a, which sets forth the hand recount procedure</li> <li>○ If the local candidate requests the recount be conducted by vote tabulator, provides that the recount is conducted by town clerk and</li> </ul> </li> </ul>

**S.86: Section-by-Section Summary**

Sec. S/H	Statutory Citation/ Session Law Title	Statute/Session Law Description	Details of Amendments As Passed Senate	Details of Amendments As Passed House: Difference from As Passed Senate
				BCA by the non-local election recount procedure to the greatest extent practicable
X/58	17 V.S.A. § 2685a	Procedure for local recounts by hand	<i>n/a</i>	Uses provisions from current law for recounts by hand in non-local elections which are being repealed under this bill (and therefore would need to be spelled out); in doing so, substituted town clerk for the county clerk and the BCA for the court
43/59	17 V.S.A. § 2688	Requesting a recount in a local Australian ballot election re: public question	<ul style="list-style-type: none"> <li>Broke section up into subsections</li> <li>(a): Specifying that <u>registered</u> voters may demand a recount and for union school district elections on a public question, at least one registered voter from each member of the union district would need to demand a recount. Also substituted “municipality” for “town” since under 1 V.S.A. § 126, “municipality” is more comprehensive in that it includes all incorporated governmental units, including school districts</li> </ul>	
* * * Presidential Elections * * *				
44/60	17 V.S.A. § 2716	The date by which the chairs of the State committees of each major political party must certify to the Sec. of State the names of the President and VP nominees	<ul style="list-style-type: none"> <li>55th day before the general election, rather than the 47th</li> </ul>	
* * * Warning Requirements in Newspapers * * *				
45/61	17 V.S.A. § 1840	Requirement that Sec. of State have published proposed articles of amendment to the Vermont Constitution in newspapers <u>and online</u> within 90 days of the adjournment of the legislative session in which they were proposed	<ul style="list-style-type: none"> <li>Adds requirement that the proposed amendments also be published on the website of the General Assembly and of the Sec. of State</li> </ul>	Substitutes two newspapers having general circulation in the State for “principal daily newspapers”
46/62	17 V.S.A. § 1844	Requirement that Sec. of State have published between Sept. 25th and Oct. 1 of the year in which a vote to ratify proposed amendment(s) to the Vermont Constitution a copy of the proposed amendment(s) and a summary thereof in newspapers <u>and online</u> for three successive weeks	<ul style="list-style-type: none"> <li>Adds requirement that the proposed amendments and summaries also be published on the website of the General Assembly and of the Sec. of State</li> </ul>	Substitutes two newspapers having general circulation in the State for “principal daily newspapers”
47/63	17 V.S.A. § 2302	Chair of party’s state committee sets a date for town caucuses; notice mailed to town clerks and town chairs and published in newspapers <u>and online</u>	<ul style="list-style-type: none"> <li>Adds requirement that notice also be published “in at least one electronic news media website that specializes in news of the State”</li> </ul>	(b): State chair may use email for notice and send to county chair, but need not publish the notice in newspapers or online

**S.86: Section-by-Section Summary**

Sec. S/H	Statutory Citation/ Session Law Title	Statute/Session Law Description	Details of Amendments As Passed Senate	Details of Amendments As Passed House: Difference from As Passed Senate
48/64	17 V.S.A. § 2303	Town committee chair or any three voters arrange the town committee meeting and provide notice	<ul style="list-style-type: none"> <li>Just changing “chairman” to “chair”</li> </ul>	(b)(2): <ul style="list-style-type: none"> <li>Additional notice requirements for towns of <u>3,000</u> to match notice required for justices of the peace</li> <li>This additional notice can either be in a newspaper or in a nonpartisan online news source</li> </ul>
49/65	17 V.S.A. § 2309	Chair of party’s state committee sets date for county caucuses; notice published in newspapers <u>and online</u>	<ul style="list-style-type: none"> <li>Adds requirement that notice also be published “in at least one electronic news media website that specializes in news of the State”</li> </ul>	<ul style="list-style-type: none"> <li>(a)(1): Additional time to call the meeting of the county committee</li> <li>(a)(2): Notice doesn’t need to be in newspapers or online</li> <li>(a)(3): County committee chair may provide notice by email; special notice for newly-organized towns</li> </ul>
50/66	17 V.S.A. § 2641	Municipality’s legislative body warning meetings	<ul style="list-style-type: none"> <li>Adds requirement that the warning also be posted on the muni’s website, if it actively updates one on a regular basis</li> </ul>	<ul style="list-style-type: none"> <li>(a): Substitutes “municipality” for “town” to provide for all incorporated governmental units, such as fire districts</li> <li>(b): Eliminates reference to warnings being given by distribution to “postal patrons” and instead substitutes reference to distribution in the town report</li> </ul>
*** Lobbyists ***				
51/67	2 V.S.A. § 264	What lobbyists and lobbyist employers need to report	<ul style="list-style-type: none"> <li>Separating out into its own subdivision contractual agreements, since they might not necessarily be considered lobbying expenditures</li> </ul>	(h): Sec. of State would only need to make the lobbyist reporting forms available, instead of mailing them out
52/68	2 V.S.A. § 264b	What lobbying firms need to report	<ul style="list-style-type: none"> <li>Separating out into its own subdivision contractual agreements, since they might not necessarily be considered lobbying expenditures</li> </ul>	
*** Correction of Cross-References and Other Technical Corrections ***				
53/69	17 V.S.A. § 1881a	Petitions for nominating senators	<ul style="list-style-type: none"> <li>Corrects currently inaccurate cross-references</li> </ul>	
54/70	17 V.S.A. § 2369	Determining winners in elections	<ul style="list-style-type: none"> <li>Restructures language in section to make it easier to read</li> </ul>	
55/71	17 V.S.A. § 2565	Election officials performing election duties	<ul style="list-style-type: none"> <li>Grammatical correction</li> </ul>	
*** Gender Neutrality ***				
56/72	Statutory revision; general neutrality; “chair,” “selectboard member,” etc.	Leg. Council directed to revise the V.S.A. to make gender-neutral changes to “chairman,” etc.		Specifies that these changes will be made immediately in the supplements and thereafter when there is a republication of a hardbound volume
*** Use of “Town” vs. “Municipality” or “Political Subdivision” ***				
57/73	Town vs. Municipality or Political Subdivision	Leg. Council consults with Sec. of State’s Office to determine which term is most appropriate for the context in T.17	<ul style="list-style-type: none"> <li></li> </ul>	Changes bill draft date to November 15, 2014
*** Effective Dates ***				
58/74	Effective Dates	Effective dates of bill	Bill takes effect on July 1, 2013, except: <ul style="list-style-type: none"> <li>On passage for Secs. 56 (gender neutrality) and 57 (“town” vs. “municipality” or “political subdivision”</li> <li>Jan. 15, 2015 for statutes re: statewide voter checklist and early voter absentee ballot list</li> </ul>	Bill takes effect on <u>July 1, 2014</u> , except: <ul style="list-style-type: none"> <li>On passage for new process for nominating JOPs</li> <li>July 1, 2015 for statutes re: statewide voter checklist and early voter absentee ballot list</li> <li>January 1, 2016 re: primary move</li> <li>July 1, 2015 for town requirement to use vote tabulators</li> </ul> <p style="text-align: right;"><i>Bill title changed</i></p>