

1 S.86

2 Representatives Martin of Wolcott, Cole of Burlington, Consejo of Sheldon,
3 Devereux of Mount Holly, Evans of Essex, Higley of Lowell, Hubert of
4 Milton, Lewis of Berlin, Mook of Bennington, Sweaney of Windsor, and
5 Townsend of South Burlington move that the report of the Committee on
6 Government Operations be amended by striking out all after the enacting
7 clause and inserting in lieu thereof the following:

8 * * * Offenses Against the Purity of Elections * * *

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

10 Subchapter 1. Penalties Upon Officers

11 § 1931. PRESIDING OFFICER RECEIVING ILLEGAL VOTE

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

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, ~~state or 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 for closing of~~ the polls
8 shall be fined not more than ~~\$100.00~~ \$200.00 nor less than \$20.00.

9 § 1933. NONPERFORMANCE OF DUTY BY PUBLIC OFFICER

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

18 Subchapter 2. Penalties Upon Voters

19 § 1971. CASTING MORE THAN ONE BALLOT

20 A legal voter who knowingly casts more than one ballot at any one time of
21 balloting for the same office shall be fined not more than \$1,000.00; if the

1 offense is committed at a primary or general election; and not more than
2 \$100.00; if committed ~~in town meeting~~ at a local election.

3 § 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

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

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

14 § 1973. VOTING IN MORE THAN ONE PLACE

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

17 § 1974. VOTER OMITTED FROM LIST, VOTING IN ANOTHER ~~TOWN~~

18 POLITICAL SUBDIVISION

19 A person who is a resident and entitled to vote in a ~~town~~ political
20 subdivision in which a checklist of voters has been made previous to an
21 election, whose name, through his or her neglect, is not entered thereon, who

1 votes in another ~~town~~ political subdivision at such election, shall be fined not
2 more than \$200.00.

3 Subchapter 3. Miscellaneous

4 § 2011. PERJURY BEFORE BOARD MAKING CHECKLIST

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

9 § 2012. PROCURING CHANGE IN LIST WRONGFULLY

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

17 § 2013. FALSE ANSWER AS TO RIGHT TO VOTE

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

1 § 2014. UNQUALIFIED PERSON VOTING

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

6 § 2015. FRAUDULENT VOTING

7 A person who personates another, living or dead, and gives or offers to give
8 a vote in the name of ~~such that~~ other person or gives or offers to give a vote
9 under a fictitious name at a ~~town, village, or school district meeting or a~~ local,
10 primary, or general election; for an officer to be elected at ~~such meeting or that~~
11 election; shall be imprisoned not more than one year or fined not more than
12 ~~\$100.00~~ \$200.00, or both.

13 § 2016. AIDING UNQUALIFIED VOTER TO VOTE

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

17 § 2017. UNDUE INFLUENCE

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

1 § 2018. ~~USING INTOXICATING LIQUOR TO INFLUENCE VOTES~~

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

6 § 2019. DESTROYING LISTS; HINDERING VOTING

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

14 § 2020. ~~OFFENSES APPLYING TO PRIMARY ELECTIONS~~

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

1 § 2021. ~~DESTROYING CERTIFICATES OF NOMINATION~~
2 DESTRUCTION OF OR FRAUDULENT ACTS PERTAINING TO
3 PRIMARY ELECTION DOCUMENTS; ALTERATION OR
4 DELAY OF BALLOTS

5 A person who falsely makes or willfully defaces or destroys a primary
6 petition, certificate of nomination, or nomination paper or any part thereof, or
7 any letter of assent or of withdrawal, or who files a primary petition, a
8 certificate of nomination, nomination paper, letter of assent, or letter of
9 withdrawal, knowing the same or any part thereof to be falsely made, or who
10 suppresses a primary petition, certificate of nomination, nomination paper,
11 letter of assent, or letter of withdrawal or any part thereof, which has been
12 filed, or forges or falsely makes the official ~~indorsement~~ endorsement upon a
13 ballot to be used at a primary or at an election or willfully destroys or defaces
14 such a ballot or willfully delays the delivery of such ballots, shall be fined
15 ~~\$100.00~~ \$200.00.

16 * * * Definitions * * *

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

18 § 2103. DEFINITIONS

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

21 * * *

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

9 * * *

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

14 * * *

15 (35) “Town clerk” means a town officer elected pursuant to ~~24 V.S.A.~~
16 ~~§ 712(2)~~ section 2646 of this title or otherwise elected or appointed by law and
17 performing those duties prescribed by 24 V.S.A. chapter 35.

18 * * *

19 (41) “Voter registration agency” or “agency” means all state offices that
20 provide public assistance, all state offices that provide state-funded programs
21 primarily engaged in providing services to persons with disabilities, any

1 federal and nongovernmental offices that have agreed to be designated by the
2 ~~secretary~~ Secretary as a voter registration agency, and any state or local agency
3 designated by the ~~secretary~~ Secretary as a voter registration agency. State and
4 local agencies designated by the ~~secretary~~ Secretary may include: the
5 ~~departments of taxes and unemployment compensation,~~ Departments of Taxes
6 and of Labor and offices that provide services to persons with disabilities other
7 than those that provide state-funded programs primarily engaged in providing
8 services to persons with disabilities.

9 * * *

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

12 * * * Revisions of Checklists and Voter Registration * * *

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

14 Subchapter 2. Registration of Voters

15 § 2141. POSTING OF CHECKLIST

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

1 checklist in addition to the one posted in the town clerk's office need be
2 posted.

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

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

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

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

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

18 § 2142. REVISION OF CHECKLIST

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

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.

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 three
11 business days of receipt by the town clerk's office.

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

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

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

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

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

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

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

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

1 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
2 VEHICLES

3 * * *

4 (d) The ~~department of motor vehicles~~ Department of Motor Vehicles shall
5 transmit voter registration applications received under this section to the
6 ~~secretary of state~~ Secretary of State not later than ~~40~~ five days after the date the
7 application was accepted by the ~~department~~ Department, or before the close of
8 the checklist for a primary or general election, whichever is sooner. ~~In the case~~
9 ~~of a voter registration application accepted within five days before the~~
10 ~~checklist is closed under section 2144 of this title for a primary or general~~
11 ~~election, the application shall be transmitted to the secretary of state not later~~
12 ~~than five days after the date of.~~

13 * * *

14 § 2145b. VOTER REGISTRATION AGENCIES

15 (a) Each voter registration agency shall:

16 * * *

17 (3) Accept completed voter registration applications and transmit
18 completed applications to the ~~secretary of state~~ Secretary of State not later than
19 10 days after the date of acceptance, or before the close of the checklist for a
20 primary or general election, whichever is sooner. ~~In the case of an application~~
21 ~~accepted within five days before the checklist is closed under section 2144 of~~

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

3 * * *

4 § 2145c. SUBMISSION OF VOTER REGISTRATION FORMS BY OTHER
5 PERSONS OR ORGANIZATIONS

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

11 § 2146. ACTION OF BOARD OF CIVIL AUTHORITY OR TOWN CLERK
12 IN REVISING CHECKLIST

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

19 (b) As soon as possible, after receipt of an application, the board or, upon
20 request of the board, the town clerk shall inform an applicant of its action as
21 provided in subsection (d) of section 2145 of this ~~title~~ chapter. If the board

1 rejects an applicant, it shall also notify him or her forthwith, in person or by
2 first class mail directed to the address given in the application, of its reasons.

3 The notice shall be in substantially the following form:

4 REJECTION OF APPLICATION FOR ADDITION TO CHECKLIST

5 The Board of Civil Authority of,

6 (Town/City)

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

10 (Name)

11 Cause for rejection:

12 (a) AGE:

13 (b) CITIZENSHIP:

14 (c) VOTER'S OATH:

15 (d) RESIDENCE:

16 The Board of Civil Authority will meet on the day of

17, 20, at o'clock at the following location:

18 to reconsider your application and give you an opportunity to

19 appear before the Board. You may present any information or witnesses you

20 wish at that time, or you may appeal directly to any superior or district judge in

21 this county or district.

1
2 Town Clerk or Chairman of Board
3 of Civil Authority

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

7 § 2147. ALTERATION OF CHECKLIST

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

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

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

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

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

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

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

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

17 * * *

18 § 2150. REMOVING NAMES FROM CHECKLIST

19 (a)(1) When a voter from one ~~town~~ political subdivision becomes a resident
20 of another ~~town~~ political subdivision and is placed on the checklist there, the
21 town clerk shall ~~send one copy of the voter registration application form or~~

1 ~~other official notice to~~ notify the clerk of the ~~town~~ political subdivision where
2 the voter was formerly a resident by submitting the notification electronically
3 within the statewide voter checklist system or by mailing to that clerk a copy
4 of the voter registration application form or other official notice, and that clerk
5 shall strike the voter's name from the checklist of that ~~town~~ political
6 subdivision. ~~Likewise, when~~

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

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

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

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

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

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

19 (2) If the board of civil authority does not immediately know that the
20 voter is still qualified to vote in the municipality, the board shall attempt to
21 determine with certainty what the true status of the voter's eligibility is. The

1 board of civil authority may consider and rely upon official and unofficial
2 public records and documents, including ~~but not limited to~~, telephone
3 directories, city directories, newspapers, death certificates, obituary (or other
4 public notice of death), tax records, and any checklist or checklists showing
5 persons who voted in any election within the last four years. The board of civil
6 authority may also designate one or more persons to attempt to contact the
7 voter personally. Any voter whom the board of civil authority finds through
8 such inquiry to be eligible to remain on the checklist shall be retained without
9 further action being taken. The name of any voter proven to be deceased shall
10 be removed from the checklist.

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

1 question or alternatively consenting to the removal of the voter's name. The
2 notice required by this subsection shall also include the following:

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

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

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

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

1 * * *

2 § 2154. STATEWIDE VOTER CHECKLIST

3 * * *

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

12 * * *

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

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

* * * Party Organization * * *

1
2 Sec. 5. 17 V.S.A. § 2307 is amended to read:

3 § 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE

4 DELEGATES

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

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

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

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

16 § 2310. ELECTION OF STATE COMMITTEE

17 (a) The chair of the county committee, ~~the national committee man, and the~~
18 ~~national committee woman~~ shall be ~~members~~ a member of the ~~state~~ State
19 committee. Each county committee shall be entitled to elect at least two
20 additional members of the ~~state~~ State committee, ~~one male and one female.~~

21 These delegates need not be members of the county committee. If the rules or

1 bylaws of a ~~state~~ State committee provide for apportionment of additional
2 members of the ~~state~~ State committee to come from the county, the county
3 committee also shall elect those additional members.

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

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

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

11 § 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE
12 COMMITTEE MEMBERS

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

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

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

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

4 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

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

10 (2) However, no ~~state~~ State committee shall be eligible to file a
11 certificate of organization unless it has town committees organized in at least
12 ~~15~~ 30 towns in this ~~state~~ State and county committees organized in at least
13 seven counties by January 1 of the year of the general election.

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

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

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

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

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

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

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

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

16 § 2314. OFFICERS REQUIRED

17 Every committee of a political party is required to elect a ~~chairman~~ chair, a
18 vice ~~chairman~~ chair, a secretary, and a treasurer, ~~and an assistant treasurer~~,
19 who need not be members of the committee at the time of their election, but
20 who become members, with full voting rights, upon their election. A

1 committee may also elect from among its members such other officers as it
2 deems appropriate to its work.

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

4 § 2315. ~~ADOPTION OF RULES AND BYLAWS~~

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

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

13 § 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY

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

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

18 § 2318. ORGANIZATION OF MINOR POLITICAL PARTIES

19 A minor political party may organize in the manner set forth in this
20 subchapter or in another manner which its members deem appropriate. Minor
21 political parties shall comply with the filing requirements of sections 2307,

1 2311 to the extent applicable, and 2313 of this ~~title~~ chapter, except that they
2 need not be organized in ~~45~~ 30 towns or in seven counties. They shall also
3 comply with the procedural requirements of sections 2303 through 2306 and
4 2313 of this title, but need not comply with other procedural requirements in
5 sections 2301, 2302, 2308 through 2310, and 2312 of this title. Minor political
6 parties shall also comply with sections 2314 through 2317 of this title.

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

8 § 2320. ~~DELEGATES TO STATE PLATFORM CONVENTION~~

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

20 [Repealed.]

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. 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.

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

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

14 § 2370. WRITE-IN CANDIDATES

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

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

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

5 § 2413. NOMINATION OF JUSTICES OF THE PEACE

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

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

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

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

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

19 **(ii)** on the municipality’s website, if the municipality actively
20 updates its website on a regular basis.

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)~~(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.

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~~
21 ~~caucus in at least three public places in the town, not less than seven days~~

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

4 [Repealed.]

5 * * * Election Officials * * *

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

7 § 2457. WORKSHOPS AND INFORMATION FOR ELECTION
8 OFFICIALS

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

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

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

20 (c)(1) The town clerk of each town shall provide the ~~secretary of state~~
21 Secretary of State with the names and addresses of all members of the board of

1 civil authority and shall promptly notify the ~~secretary of state~~ Secretary of
2 State of any changes in the list.

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

6 * * * Standardized Ballots and Vote Tabulators * * *

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

8 § 2362. PRIMARY BALLOTS

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

15 OFFICIAL VERMONT PRIMARY ELECTION BALLOT
16 VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT BOX
17 OR VOTE TABULATOR
18 ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED
19 BALLOT BOX

20 _____
21 [MAJOR POLITICAL PARTY NAME]

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Instructions to voters: To vote for a candidate whose name is printed on the ballot, mark a cross (X) or fill in the oval at the right of that person's name ~~and party designation~~. To vote for a candidate whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block.

When there are two or more persons to be elected to one office, you may vote for any number of candidates up to and including the maximum number.

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

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

§ 2363. SEPARATE PARTY BALLOTS

(a) The names of all candidates of a party shall be printed upon one ballot. Each section shall bear in print larger than any other print on the ballot the words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID in a prominent place on the ballot. The voter shall vote for the candidates of one party only. A person voting at the primary shall not be required to indicate his or her party choice to any election official.

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

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

6 § 2471. GENERAL ELECTION BALLOT

7 (a)(1) A consolidated ballot shall be used at a general election, which shall
8 list the several candidates for the offices to be voted upon. ~~The offices of~~
9 ~~president and vice president of the United States, United States senator, United~~
10 ~~States representative, governor, lieutenant governor, state treasurer, secretary~~
11 ~~of state, auditor of accounts, attorney general, state senator, representative to~~
12 ~~the general assembly, judge of probate, assistant judge, state's attorney,~~
13 ~~sheriff, and high bailiff shall be listed in that order. The offices of President~~
14 ~~and Vice President of the United States, U.S. Senator, U.S. Representative,~~
15 ~~Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of~~
16 ~~Accounts, Attorney General, State Senator, Representative to the General~~
17 ~~Assembly, Judge of Probate, Assistant Judge, State's Attorney, Sheriff, and~~
18 ~~High Bailiff shall be listed in that order. Any statewide public question shall~~
19 also be listed on the ballot, before the listing of all offices to be filled.

20 (2) The ballot shall be prepared at state expense under the direction of
21 the ~~secretary of state~~ Secretary of State. The color of the ballot shall be

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

7 * * *

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

9 § 2472. CONTENTS

10 * * *

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

15 (2) The names of the candidates for each office shall be listed in
16 alphabetical order by surname followed by the candidate’s town of residence,
17 and the party or parties by which the candidate has been nominated, or in the
18 case of independent candidates who have not chosen some other name or
19 identification, by the word “Independent.”

1 the primary election ~~may elect~~, the party or parties in which the nominee will
2 be a candidate. The nominee shall notify in writing the ~~secretary of state~~
3 Secretary of State or town clerk, as the case may be, of such choice, and only
4 the party or parties which the nominee so elects shall be printed next to the
5 nominee's name on the ballot.

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

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

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

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

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

19 (b)(1) A candidate for ~~state or congressional~~ State office who is the
20 nominee of two or more political parties shall file with the ~~secretary of state~~
21 Secretary of State, not later than the ~~second~~ first Friday following the primary

1 election, a statement designating for which party the votes cast for him or her
2 shall be counted for the purposes of determining whether his or her designated
3 party shall be a major political party. The party so designated shall be the first
4 party to be printed immediately after the candidate's name on the ballot.

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

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

11 § 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND
12 FURNISHED

13 * * *

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

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

17 § 2481. PRINTED BALLOTS REQUIRED

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

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

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

3 § 2491. POLITICAL SUBDIVISION MAY USE ~~VOTING MACHINES~~

4 SUBDIVISIONS; VOTE TABULATORS

5 (a) ~~A town may~~ Except as provided in subsection (b) of this section, a
6 board of civil authority may, at a meeting held not less than 60 days prior to an
7 election and warned pursuant to 24 V.S.A. § 801, vote at any annual or special
8 meeting to employ electronic devices (“voting machines”) to require the
9 political subdivision for which it is elected to use vote tabulators for the
10 registering and counting of votes in subsequent elections. ~~Voting machines~~
11 may be used in combination with the paper ballots described in the preceding
12 subchapter, so that each voter may choose whether to use a paper ballot or a
13 voting machine to cast his or her vote, if the town so votes.

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

17 (c)(1) The Office of the Secretary of State shall pay the following costs
18 associated with this section by using federal Help America Vote Act funds, as
19 available:

20 (A) full purchase and warranty cost of vote tabulators, ballot boxes,
21 and two memory cards for each tabulator;

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

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

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

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

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

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

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

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

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

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

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

1 § 2494. CONSTRUCTION WITH OTHER LAWS

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

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

15 § 2495. ~~FORM OF BALLOT~~

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

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

4 § 2499. ~~MISCELLANEOUS REQUIREMENTS FOR VOTING MACHINES~~
5 TRANSFER OF PAPER BALLOTS FROM VOTE TABULATORS

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

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

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

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

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.

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
20 towns using ~~voting machines~~ vote tabulators, the ~~machine~~ tabulator counts
21 shall not be viewed or printed before the closing of the polls.

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

2 § 2583. OFFICIAL CHECKLIST TO BE TALLIED; STORAGE OF
3 CHECKLIST

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

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

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

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

2 § 2701. PRESIDENTIAL PRIMARY; TIME OF HOLDING; FORM OF
3 BALLOT

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

11 * * * Polling Places * * *

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

13 § 2502. LOCATION OF POLLING PLACES

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

15 (b) The board of civil authority shall take such measures as are necessary to
16 assure that ~~elderly and handicapped~~ voters who are elders or have a disability
17 may conveniently and secretly cast their votes. Measures which may be taken
18 shall include, ~~but are not limited to:~~ location of polling places on the ground
19 floor of a building; providing ramps, elevators, or other facilities for access to
20 the polling place; providing a stencil overlay for ballots; providing a separate
21 polling place with direct communication to the main polling place; and

1 permitting election officials to carry a ballot to ~~a handicapped or elderly an~~
2 elder or to a person who has a disability in order to permit that person to mark
3 the ballot while in a motor vehicle adjacent to the polling place. For purposes
4 of this subsection, the board of civil authority shall have full jurisdiction on the
5 day of an election over the premises at which a polling place is located.

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

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

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

1 Date: _____

2 If applicant is other than early or absentee voter:

3 Name of applicant: _____

4 Address of applicant: _____

5 Relationship to early or absentee voter: _____

6 Organization, if applicable: _____

7 Date: _____ Signature of applicant: _____

8 ~~(2)~~(3) If the application is made by telephone or in writing, the
9 information supplied must be in substantial conformance with the information
10 requested on this form.

11 * * *

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

17 (2) The Attorney General or a State's Attorney, whenever he or she has
18 reason to believe any person to be or to have been in violation of this
19 provision, shall conduct a civil investigation in accordance with the procedures
20 set forth in section 2904 of this title.

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

2 § 2534. LIST OF EARLY OR ABSENTEE VOTERS

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

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

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

15 § 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

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

20 (2) Not later than three days prior to the election, the board of civil
21 authority or, upon request of the board, the town clerk, shall designate in pairs

1 justices of the peace in numbers sufficient to deliver early voter absentee
2 ballots to the applicants for early voter absentee ballots who have stated in
3 their applications that they are unable to vote in person at the polling place due
4 to illness or physical disability but who have not requested in their applications
5 that early voter absentee ballots be mailed to them. No pair shall consist of
6 two justices from the same political party.

7 (3) If there shall not be available a sufficient number of justices to make
8 up the required number of pairs, a member of each remaining pair shall be
9 designated by the board, to be selected from lists of registered voters submitted
10 by the chairs of the town committees of political parties, and from among
11 registered voters who in written application to the board state that they are not
12 affiliated with any political party.

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

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

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

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

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

2 § 2539. MAILING OF EARLY VOTER ABSENTEE BALLOTS;

3 PERMANENTLY DISABLED VOTERS

4 (a) Unless the early or absentee voter votes in the town clerk's office, or
5 unless the justices are to deliver the early voter absentee ballots to the early or
6 absentee voter, the town clerk shall provide to the early or absentee voter who
7 comes to the town clerk's office a complete set of early voter absentee ballots
8 or mail a complete set of early voter absentee ballots to each early or absentee
9 voter for whom a valid application has been filed. The early voter absentee
10 ballots shall be mailed forthwith upon the filing of a valid application, or upon
11 the town clerk's receipt of the necessary ballots, whichever is later. ~~Early~~
12 ~~voter absentee ballots to persons having addresses outside the 50 states and the~~
13 ~~District of Columbia shall be sent air mail, first class, postpaid when such~~
14 ~~service is available.~~

15 (b) In the case of persons who are early or absentee voters due to illness or
16 physical disability, if the voter or authorized person requests in his or her
17 application or otherwise that early voter absentee ballots be mailed rather than
18 delivered by justices of the peace, the town clerk shall mail the ballots;
19 otherwise the ballots shall be delivered to such voters by justices of the peace.
20 In the case of all other early or absentee voters, the town clerk shall mail the

1 early voter absentee ballots, unless the voter chooses to apply and vote in
2 person at the town clerk's office.

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

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

13 § 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN
14 BALLOT BOX

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

1 (B) No sooner than 48 hours before the opening of polls on election
2 day, a town clerk in all other municipalities may direct two election officials
3 working together to open the outside envelope and remove the certificate
4 envelope in order to determine that an early voter absentee ballot certificate
5 has been properly signed by the early voter, and that the name of the early
6 voter appears on the checklist.

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

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

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

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

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.

1 or, if unable to submit electronically, by submitting those vote counts to the
2 Secretary of State by telephone, facsimile, or e-mail.

3 (2) The Secretary shall ensure that any vote counts submitted by
4 telephone, facsimile, or e-mail are entered into his or her online elections
5 reporting system as soon as practicable after he or she receives them.

6 (3) The Secretary's online elections reporting system shall cause the
7 unofficial vote counts to be posted immediately on the Secretary's official
8 website as soon as those vote counts are submitted.

9 (d) The presiding officer and one other election official then shall proceed
10 either to complete the return at once, or to store the summary sheets in a safe
11 and secure place until their retrieval for completion of the return. In any event,
12 no later than 24 hours after the polls close, the presiding officer and at least
13 one other election official shall transfer the totals from the summary sheets to
14 the proper spaces on the return, and both shall sign the return. The town clerk
15 shall store the summary sheets safely so that the public cannot reasonably have
16 access to them for a period of 90 days without the town clerk's consent. The
17 original of the return shall be delivered to the town clerk. In a manner
18 prescribed by the ~~secretary of state~~ Secretary of State and within 48 hours of
19 the close of the polls, the town clerk shall deliver to the ~~secretary of state~~
20 Secretary of State, the senatorial district clerk, the county clerk, and the

1 representative district clerk one certified copy each of the return. The town
2 clerk shall also make a copy available to the public upon request.

3 Sec. 41. 17 V.S.A. § 2593 is amended to read:

4 § 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE
5 CHECKLIST BY TOWN CLERK

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

12 * * * Recounts * * *

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

14 Subchapter 9. Recounts and Contest of Elections

15 § 2601. RECOUNTS

16 (a) In an election for statewide office, county office, or state senator, if the
17 difference between the number of votes cast for a winning candidate and the
18 number of votes cast for a losing candidate is less than two percent of the total
19 votes cast for all the candidates for an office, divided by the number of persons
20 to be elected, that losing candidate shall have the right to have the votes for
21 that office recounted.

1 **(b)** In an election for all other offices, if the difference between the number
2 of votes cast for a winning candidate and the number of votes cast for a losing
3 candidate is less than five percent of the total votes cast for all the candidates
4 for an office, divided by the number of persons to be elected, that losing
5 candidate shall have the right to have the votes for that office recounted.

6 § 2602. ~~PROCEDURE~~ PETITIONS FOR RECOUNTS

7 (a) In the case of recounts for local elections and recounts for the office of
8 justice of the peace, the procedures for conducting the recount shall be as
9 provided in subchapter 3 of chapter 55 of this title.

10 (b) In the case of recounts other than specified in subsection (a) of this
11 section, the following procedure shall apply. A petition for a recount shall be
12 filed within ~~10~~ seven days after the election. The petition shall be filed with
13 ~~the civil division of the superior court~~ Civil Division of the Superior Court,
14 Washington County, in the case of candidates for ~~state~~ State or congressional
15 office, or for a presidential election; the petition shall be filed with the ~~superior~~
16 ~~court~~ Superior Court in any county in which votes were cast for the office to be
17 recounted, in the case of any other office. The petition shall be supported, if
18 possible, by a certified copy of the certificate of election prepared by the
19 canvassing committee, verifying the total number of votes cast and the number
20 of votes cast for each candidate.

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

5 (3) If a candidate for an office which is the subject of a recount is from a
6 party which does not have a county committee, the county clerk shall send a
7 copy of the notice to the ~~state~~ State committee of the party advising them to
8 submit immediately a list of nominees for individuals to serve on a recount
9 committee.

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

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

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

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

7 § 2602b. ASSIGNMENT OF DUTIES

8 (a) The county clerk shall supervise the recount and may appoint a
9 sufficient number of impartial assistants to perform appropriate tasks which
10 have not been assigned to recount committee members. The county clerk shall
11 recruit town clerks to serve as impartial assistants to the county clerk for
12 operating the vote tabulators. The county clerk shall store all ballots, still in
13 their sealed containers, in his or her vault until the day of the recount.

14 * * *

15 § 2602c. PREPARATION FOR RECOUNT

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

20 (b) ~~The Each~~ recount ~~teams established~~ team shall recount the contents of
21 one container before ~~another container is opened~~ opening another container at

1 its table, shall recount the contents of all the containers relating to one polling
2 place before moving to those of another polling place, and shall complete the
3 recount for one town before moving to material relating to another town.

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

6 (d) Before opening, each container shall be inspected, and if no tag is
7 present, replacement manila tags shall be affixed, specifying date of election
8 and name of town and polling place. Likewise, each seal shall be examined to
9 see if it is intact, and the county clerk shall attach to any bag with a defective
10 seal a tag stating that the seal was defective and containing the information
11 which was contained on the defective seal.

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

16 (f) If there is more than one container from a polling place, the county clerk
17 shall open first the container which is identified as containing the checklist.
18 Upon opening the first container in the presence of the clerk observer team, the
19 county clerk shall empty the contents onto the clerk's table. The county clerk
20 shall ensure that teams are not given unused ballots, early or absentee ballots

1 which arrived after the close of polls, or ballots spoiled by voters and turned in
2 by voters requesting fresh ballots.

3 § 2602d. EXAMINATION OF CHECKLISTS

4 * * *

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

11 § 2602e. SORTING OF BALLOTS

12 * * *

13 (b) The teams, except the clerk observer team and possibly the team which
14 is processing the checklists, shall proceed to their tables and each team shall
15 get from the county clerk one pile of ballots, one tally sheet and one
16 double-check sheet per 50 ballots, unless there are more persons per team who
17 serve as double-check persons, in which case, each such person shall be
18 assigned a double-check sheet. If a team spoils a tally sheet or needs to retally,
19 it must turn in the tally sheet in order to get another one.

1 § 2602f. ~~FIRST TALLY RECOUNT BY VOTE TABULATOR~~

2 (a)(1) ~~The caller shall call the name of the person voted for and/or blank~~
3 ~~ballots, and/or spoiled ballots. The tally person and the double check person~~
4 ~~or persons each shall make a suitable mark for that candidate and/or blank~~
5 ~~ballots, and/or spoiled ballots~~ Vote tabulator-readable ballots from each pile
6 shall be fed through a vote tabulator by one team until all vote
7 tabulator-readable ballots from the container have been entered. For ballots
8 unable to be read by a vote tabulator, such as damaged or plain paper ballots, a
9 second team shall collect these ballots from the pile and transfer the voter's
10 choices on those ballots to blank ballots provided by the Secretary of State.
11 After all of the vote tabulator-readable ballots have been fed through the vote
12 tabulator, the first team shall feed through the vote tabulator any transfer
13 ballots created by the second team.

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

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

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

1 then open the tabulator's ballot box and remove all ballots. The ballots shall
2 then be divided among the recount teams to be examined to find write-in
3 names and markings of voter intent that were not vote tabulator-readable as
4 outlined in the Secretary of State's vote tabulator guide and most recent
5 elections procedures manual. A caller, tally person, and double-check person
6 shall be used to examine the ballots removed from the ballot box. If the caller
7 and the observer or observers do not agree on how a ballot should be counted,
8 the entire team shall review the ballot and if all members agree, it shall be
9 counted that way.

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

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

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

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

7 * * *

8 § 2602h. COMPLETING THE TALLY

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

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

19 (c) This procedure shall be repeated for each container, until the results
20 from a polling place have been recounted, and then it shall be repeated until the

1 results from all polling places in a town have been recounted, and then until the
2 results from all towns have been recounted.

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

7 § 2602i. COSTS

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

15 § 2602j. OTHER RULES FOR CONDUCTING THE RECOUNT

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

19 (b) The county clerk shall designate an area within which the recount shall
20 take place. Persons who are not committee members shall be permitted to

1 view a recount in progress, but persons not authorized by the county clerk shall
2 not be permitted within the area designated by the county clerk.

3 * * *

4 § 2602k. AFTER THE RECOUNT

5 * * *

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

12 * * *

13 Sec. 43. REPEAL

14 17 V.S.A. §§ 2492 (legislative branch to obtain voting machines), 2602g
15 (second tally), and 26021 (recounts using voting machines) are repealed.

16 * * * Vacancies * * *

17 Sec. 44. 17 V.S.A. § 2623 is amended to read:

18 § 2623. VACANCIES IN OFFICES WITHIN THIS STATE

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

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

3 * * *

4 * * * Local Elections * * *

5 Sec. 45. 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. 46. 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.

20 (3)(A) The warning shall also contain any article or articles requested by
21 a petition signed by at least five percent of the voters of the municipality and

1 filed with the municipal clerk not less than ~~40~~ 45 days before the day of the
2 meeting.

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

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

15 Sec. 47. 17 V.S.A. § 2643 is amended to read:

16 § 2643. SPECIAL MEETINGS

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

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

6 * * *

7 Sec. 50. 17 V.S.A. § 2661 is amended to read:

8 § 2661. RECONSIDERATION OR RESCISSION OF VOTE

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

19 * * *

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

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

2 § 2681. NOMINATIONS; ~~PETITIONS~~; PETITIONS; CONSENTS

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

8 (2) The candidate shall also file a written consent to the printing of the
9 candidate's name on the ballot, ~~no later than 5:00 p.m. on the Wednesday after~~
10 ~~the filing deadline~~ on or before the filing deadline for petitions as set forth in
11 subdivision (1) of this subsection.

12 (3) A petition shall contain the name of only one candidate, and the
13 candidate's name shall appear on the petition as it does on the voter checklist.
14 A voter shall not sign more than one petition for the same office, unless more
15 than one nomination is to be made, in which case the voter may sign as many
16 petitions as there are nominations to be made for the same office.

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

1 of term available for an office the candidate must indicate clearly the length of
2 term as well.

3 * * *

4 Sec. 52. 17 V.S.A. § 2681a is amended to read:

5 § 2681a. LOCAL ELECTION BALLOTS

6 * * *

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

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

12 * * *

13 Sec. 53. 17 V.S.A. § 2682 is amended to read:

14 § 2682. PROCESS OF VOTING; APPOINTMENTS

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

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

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

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

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

13 [Repealed.]

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

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

2 § 2682a. WRITE-IN CANDIDATES

3 Notwithstanding the provisions of section 2682 of this subchapter, in order
4 to be elected, a write-in candidate shall receive at least 30 votes or the votes of
5 one percent of the registered voters in the municipality, whichever is less.

6 Sec. 55. 17 V.S.A. § 2682b is added to read:

7 § 2682b. TIE VOTES FOR LOCAL OFFICE

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

15 Sec. 56. 17 V.S.A. § 2683 is amended to read:

16 § 2683. RECOUNTS REQUEST FOR A RECOUNT; CANDIDATES

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

19 (b) If the difference between the number of votes cast for a winning
20 candidate and the number of votes cast for a losing candidate is less than five
21 percent of the total votes cast for all the candidates for an office, divided by the

1 number of persons to be elected, that losing candidate shall have the right to
2 have the votes for that office recounted.

3 Sec. 57. 17 V.S.A. § 2685 is amended to read:

4 § 2685. ~~INSPECTION OF BALLOTS~~ CONDUCT OF RECOUNT

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

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

15 (c) The board shall certify the result to the clerk, who shall declare the
16 result.

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

1 Sec. 58. 17 V.S.A. § 2685a is added to read:

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 presiding officer shall supervise the recount.

7 (3) The board of civil authority shall appoint a sufficient number of
8 impartial assistant election officers to perform appropriate tasks that are not
9 practicable for the board of civil authority to perform. Each assistant election
10 officer shall be appointed and sworn as set forth in section 2454 of this title.

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

1 (5) The board of civil authority shall use fresh seals, manila tags, tally
2 sheets, double-check sheets, summary sheets for each polling place, master
3 lists for the entire election to be recounted, and other appropriate material
4 provided by the Secretary of State.

5 (b) Preparation for recount.

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

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

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

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

1 (5) Uncounted containers shall be kept in one part of the room and
2 moved to the other side as they are counted. Each team shall have a separate
3 table and the presiding officer shall have a separate table, all of which tables
4 shall be spaced apart.

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

13 (c) Examination of checklists.

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

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

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

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

11 (d) Sorting of ballots.

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

19 (2) The teams, except the presiding officer observer team and possibly
20 the team which is processing the checklists, shall proceed to their tables and
21 each team shall get from the presiding officer one pile of ballots, one tally

1 sheet, and one double-check sheet per 50 ballots, unless there are more persons
2 per team who serve as double-check persons, in which case, each such person
3 shall be assigned a double-check sheet. If a team spoils a tally sheet or needs
4 to retally, it must turn in the tally sheet in order to get another one.

5 (e) First tally.

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

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

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

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 town clerk who shall keep
3 it in a 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 presiding officer that it has completed the first recount.

9 (f) Second tally.

10 (1) The presiding officer shall attach to the tally and double-check
11 sheets a note which indicates which team members performed which functions
12 in the 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 presiding officer, and the team shall complete a second recount, following
18 the procedures established for the first recount.

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

1 (4) Then the team shall take its tally sheets, double-check sheets, and
2 ballots, plus a separate pile of questionable ballots, if any, to the presiding
3 officer.

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

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

10 (g) Completing the tally.

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

18 (2) The presiding officer shall return all ballots to the container, seal it,
19 record the seal number on the summary sheet, write “recounted” and specify
20 the date of the recount on the tag, and move it to the other side of the room,
21 making sure that there is never more than one bag open at any one time.

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

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

8 (h) Other rules for conducting the recount.

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

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

17 (3) Candidates and their attorneys shall be given the opportunity to
18 present evidence to the board of civil authority relating to the conduct of the
19 recount. If the board determines that any violations of recount procedures have
20 occurred and that they may have affected the outcome of the recount, a new
21 recount shall be ordered. After such hearings or arguments as may be

1 indicated under the circumstances, the board, within five working days, shall
2 issue a judgment, which shall supersede any certificate of election previously
3 issued and shall return to the town clerk questionable ballots which had been
4 forwarded to the board.

5 (i) After the recount.

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

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

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

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

1 Sec. 59. 17 V.S.A. § 2688 is amended to read:

2 § 2688. RECOUNT ON QUESTION SUBMITTED

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

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

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

15 * * * Presidential Elections * * *

16 Sec. 60. 17 V.S.A. § 2716 is amended to read:

17 § 2716. NOTIFICATION TO SECRETARY OF STATE

18 Not later than 5:00 p.m. on the ~~47th~~ 55th day before the day of the general
19 election, the ~~chairman~~ Chair of the ~~state committee~~ State Committee of each
20 major political party shall certify in writing to the ~~secretary of state~~ Secretary

1 of State the names of the presidential and vice presidential nominees selected
2 at the party's national convention.

3 * * * Warning Requirements in Newspapers * * *

4 Sec. 61. 17 V.S.A. § 1840 is amended to read:

5 § 1840. INTERIM PUBLICATION

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

17 Sec. 62. 17 V.S.A. § 1844 is amended to read:

18 § 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;

19 BALLOTS

20 (a) The ~~secretary of state~~ Secretary of State shall between September 25
21 and October 1 in any year in which a vote on ratification of an article of

1 amendment is taken, prepare copies of the proposal of amendment and forward
2 them, with a summary of proposed changes, for publication ~~to the principal~~
3 ~~daily~~ in at least two newspapers published having general circulation in the
4 ~~state~~ State, as determined by the ~~secretary of state; and the~~ Secretary of State.
5 The proposal shall be so published once each week for three successive weeks
6 in each of the papers at the expense of the state State and on the websites of the
7 General Assembly and the Office of the Secretary of State. He or she

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

10 Sec. 63. 17 V.S.A. § 2302 is amended to read:

11 § 2302. STATE ~~CHAIRMAN~~ CHAIR TO CALL CAUCUS

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

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

1 Sec. 64. 17 V.S.A. § 2303 is amended to read:

2 § 2303. TOWN ~~CHAIRMAN~~ CHAIR TO GIVE NOTICE

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

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

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

13 (A) in a newspaper having general circulation in the town; or

14 (B) in a nonpartisan electronic news media website that specializes in
15 news of the State or the community.

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

1 Sec. 65. 17 V.S.A. § 2309 is amended to read:

2 § 2309. FIRST MEETING OF COUNTY COMMITTEE

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

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

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

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

1 Sec. 66. 17 V.S.A. § 2641 is amended to read:

2 § 2641. WARNING AND NOTICE REQUIRED; PUBLICATION OF
3 WARNINGS

4 (a) The legislative body of a municipality shall warn a meeting by posting a
5 warning and notice in at least two public places in the ~~town~~ municipality, and
6 in or near the town clerk's office, not less than 30 nor more than 40 days
7 before the meeting. If a ~~town~~ municipality has more than one polling place
8 and the polling places are not all in the same building, the warning and notice
9 shall be posted in at least two public places within each voting district and in or
10 near the town clerk's office.

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

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

* * * Lobbyists * * *

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

4 (A) a legislator or administrator;

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

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

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

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

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

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

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

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

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

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

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

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

16 (3) An itemized list of every gift, the value of which is greater than
17 \$15.00, made by or on behalf of a lobbyist to or at the request of one or more
18 legislators or administrative officials or a member of the legislator's or
19 administrative official's immediate family. With respect to each gift, the
20 lobbyist shall report the date the gift was made, the nature of the gift, the value
21 of the gift, the identity of any legislators or administrative officials who

1 requested the gift, and the identity of any recipients of the gift. Monetary gifts,
2 other than political contributions, shall be prohibited.

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

6 (A) a legislator or administrator;

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

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

9 * * *

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

15 * * *

16 Sec. 68. 2 V.S.A. § 264b is amended to read:

17 § 264b. LOBBYING FIRM LISTINGS; REPORTS OF EXPENDITURES,
18 COMPENSATION, AND GIFTS; LOBBYING FIRMS

19 * * *

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

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

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

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

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

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

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

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

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

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

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

18 (A) a legislator or administrator;

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

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

1 Sec. 70. 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 ~~candidate~~ 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~~ State Committee of a party; for a ~~state~~
13 State or congressional office;

14 (2) the senatorial district committee for ~~state senate~~ 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.

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

1 Sec. 71. 17 V.S.A. § 2565 is amended to read:

2 § 2565. DELIVERY OF BALLOTS

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

10 * * * Gender Neutrality * * *

11 Sec. 72. STATUTORY REVISION; GENDER NEUTRALITY; “CHAIR,”
12 “SELECTBOARD MEMBER,” ETC.

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

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

2 Sec. 73. TOWN VS. MUNICIPALITY OR POLITICAL SUBDIVISION

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

10 * * * Effective Dates * * *

11 Sec. 74. EFFECTIVE DATES

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

13 (1) this section and Sec. 18, 17 V.S.A. § 2413 (nomination of justices of
14 the peace), shall take effect on passage;

15 (2) Secs. 36, 17 V.S.A. § 2534 (list of early or absentee voters), and 41,
16 17 V.S.A. § 2593 (participation to be entered on statewide checklist by town
17 clerk), shall take effect on July 1, 2015;

18 (3) Secs. 15, 17 V.S.A. § 2351 (primary election), and 16, 17 V.S.A.
19 § 2356 (time for filing petitions and statements of nomination), shall take
20 effect on January 1, 2016; and

