

No. 30. An act relating to miscellaneous amendments to election law.

(H.477)

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Qualification and Registration of Voters * * *

Sec. 1. 17 V.S.A. § 2124 is amended to read:

§ 2124. VOTER'S OATH OR AFFIRMATION; HOW ADMINISTERED;

APPLICATION

* * *

(c) ~~The~~ At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was received. If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application. The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

Sec. 2. 17 V.S.A. § 2154 is amended to read:

§ 2154. STATEWIDE VOTER CHECKLIST

(a) The ~~secretary of state~~ Secretary of State shall establish a uniform and nondiscriminatory, statewide ~~computerized~~ voter registration checklist. This checklist shall serve as the official voter registration list for all elections in the ~~state~~ State. In establishing the statewide checklist, the ~~secretary~~ Secretary shall:

* * *

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

* * *

Sec. 3. 1 V.S.A. § 317 is amended to read:

§ 317. DEFINITIONS; PUBLIC AGENCY; PUBLIC RECORDS AND
DOCUMENTS

* * *

(c) The following public records are exempt from public inspection and copying:

* * *

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

* * *

* * * Primary Elections * * *

Sec. 4. 17 V.S.A. § 2362 is amended to read:

§ 2362. PRIMARY BALLOTS

(a) The ballots shall be prepared and furnished to the towns by the Secretary of State and shall contain the names of all candidates for nomination at the primary. Ballots shall be printed on index stock and configured to be readable by vote tabulators. A separate ballot for each major political party shall be printed in substantially the following form:

OFFICIAL VERMONT PRIMARY ELECTION BALLOT

VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT

BOX OR VOTE TABULATOR

ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED

BALLOT BOX

[MAJOR POLITICAL PARTY NAME]

Instructions to voters: To vote for a candidate whose name is printed on the ballot, ~~mark a cross (X) or~~ fill in the oval at the right of that person's name. 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 and fill in the oval to the right of that blank line. 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.

* * *

* * * Nominations by Party Committee * * *

Sec. 5. 17 V.S.A. § 2381 is amended to read:

§ 2381. APPLICABILITY OF SUBCHAPTER

(a) A candidate may also be nominated and have the candidate's name printed on the general election ballot in accordance with the provisions set forth in this subchapter, in the following instances:

(1) In case of a vacancy on the general election ballot occasioned by death, ~~removal~~, or withdrawal of a candidate, or the failure of a major political party to nominate a candidate by primary;

(2) In case a minor political party desires to nominate a candidate for any office for which major political parties nominate candidates by primary or for the offices of ~~president~~ President and ~~vice-president~~ Vice President of the United States;

(3) In case of nomination for the office of justice of the peace, in the event that such nomination has not already been made by caucus as provided in section 2413 of this ~~title~~ chapter.

(b) In no event may any committee nominate a candidate or candidates for statewide office under this subchapter unless the political party has town

committees organized in at least 10 towns in this ~~state~~ State in accordance with procedures in chapter 45 of this title.

Sec. 6. 17 V.S.A. § 2386 is amended to read:

§ 2386. TIME FOR FILING STATEMENTS

(a) ~~Statements pursuant to this subchapter, except for vacancies created by the death or withdrawal of a candidate after the~~ In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed as set forth in section 2356 of this title not later than 5:00 p.m. on the sixth day following the primary.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the death or withdrawal to nominate a candidate. In no event, shall a statement be filed later than 60 days prior to the election.

(c) In the case of a nomination by a minor political party, a statement shall be filed as set forth in section 2356 of this chapter.

(d) In the case of a nomination for the office of justice of the peace, a statement shall be filed as set forth in section 2413 of this chapter.

* * * Nominations of Independent Candidates * * *

Sec. 7. 2014 Acts and Resolves No. 161, Sec. 17a is amended to read:

Sec. 17a. 17 V.S.A. § 2402 is amended to read:

§ 2402. REQUISITES OF STATEMENT

* * *

(d)(1) A statement of nomination and a completed and signed consent form shall be filed:

(A) in the case of nomination for President or Vice President of the United States, no sooner than the fourth Monday in April and not later than 5:00 p.m. on the August 1 ~~in the year~~ preceding the presidential general election; or

(B) in the case of nomination for justice of the peace, no later than 5:00 p.m. on the third day following the primary election;

(C) in the case of any other independent candidate, no sooner than the fourth Monday in April and not later than 5:00 p.m. on the Thursday preceding the primary election prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the third day prior to the day of a special primary election.

(2) No public official receiving nominations shall accept a petition unless a completed and signed consent form is filed at the same time.

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

* * *

* * * Nominations of Justices of the Peace

by Party Committee or Caucus * * *

Sec. 8. 17 V.S.A. § 2413 is amended to read:

§ 2413. NOMINATION OF JUSTICES OF THE PEACE

(a)(1) The party members in each town, on or before each primary election, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace.

* * *

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

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

(c) In any town in which a political party has not formally organized, any three members of the party who are voters in the town may call a caucus to nominate candidates for justice of the peace by giving notice as required in subsection (a) of this section. Upon meeting, the caucus shall first elect a chair

and a secretary. Thereafter the caucus shall nominate its candidates for justice of the peace, ~~and cause its chair and secretary to file the statements required in section 2385 of this title not later than 5:00 p.m. on the third day following the primary election.~~

(d) [Repealed.]

(e) For any nomination made under this section, the chair and secretary of the committee or caucus shall file the statement required by section 2385 of this title by 5:00 p.m. on the third day following the primary election.

* * * Conduct of Elections * * *

Sec. 9. 17 V.S.A. § 2472 is amended to read:

§ 2472. CONTENTS

(a) The ballot shall be titled “OFFICIAL VERMONT GENERAL ELECTION ~~BALLOT~~”, BALLOT,” followed by the date of the election. Immediately below, the following instructions shall be printed: “Instruction 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 block²². and fill in the oval to the right of that blank line.” When there are two or more candidates to be elected to one office, you may vote for any number of candidates up to and including the maximum number.” The name of the town or towns and

legislative district in which the ballot is to be used shall be listed in the upper left hand corner.

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

* * *

(3) To the right of the party designation shall be an oval in which the voter may indicate his or her choice by ~~making a cross (X) or~~ filling in the oval ~~if tabulators are being used.~~

* * *

Sec. 10. 17 V.S.A. § 2474 is amended to read:

§ 2474. CHOICE OF PARTY

(a)(1) A person nominated by any means for the same office by more than one political party may elect, not later than 5:00 p.m. on the first Friday tenth day following the primary election, the party or parties in which the nominee will be a candidate. The nominee shall notify in writing the Secretary of State or town clerk, as the case may be, of such choice by that deadline, and only the party or parties which the nominee so elects shall be printed next to the nominee's name on the ballot.

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

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

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

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

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

(b)(1) A candidate for State office who is the nominee of two or more political parties shall file with the Secretary of State, not later than 5:00 p.m. the first Friday tenth day following the primary election, a statement designating for which party the votes cast for him or her shall be counted for the purposes of determining whether his or her designated party shall be a major political party. The party so designated shall be the first party to be printed immediately after the candidate's name on the ballot.

(2) If a candidate does not file the statement ~~before the first Friday~~ following the primary by that deadline, the Secretary of State shall designate

the party for which the votes cast shall be counted as provided in subdivision (a)(2) of this section.

Sec. 11. 2014 Acts and Resolves No. 161, Sec. 74(4) (effective dates; effective date for town requirement to use vote tabulators) is amended to read:

(4) Sec. 27, ~~17 V.S.A. § 2941(b)~~ 17 V.S.A. § 2491(b) (political subdivisions; vote tabulators; town requirement to use vote tabulators), shall take effect on July 1, 2016.

Sec. 12. 17 V.S.A. § 2493 is amended to read:

§ 2493. RULES FOR USE OF VOTE TABULATORS; AUDITS

(a) The Secretary of State shall adopt rules governing the use and the selection of any vote tabulator in the State. These rules shall include requirements that:

* * *

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

* * *

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

* * *

Sec. 13. 17 V.S.A. § 2532 is amended to read:

§ 2532. APPLICATIONS; FORM

* * *

(c) If the request is made for a person who is not yet registered and the request is received by the town clerk prior to the voter registration deadline set forth in subsection 2144(a) of this title, the town clerk shall mail a blank application for addition to the checklist, together with a full set of early voter absentee ballots, to ~~the person who has applied for early voter absentee ballots~~ that person. All such applications for addition to the checklist ~~which~~ that are returned to the town clerk before the close of the polls on election day shall be considered and acted upon by the board of civil authority before the ballots are counted. If the application is approved and the name added to the checklist, the early voter absentee ballots cast by that voter shall be treated as other valid early voter absentee ballots.

* * *

Sec. 14. 17 V.S.A. § 2547 is amended to read:

§ 2547. DEFECTIVE BALLOTS

If upon examination by the election officials it shall appear that the early or absentee voter is not legally qualified to vote, or has voted in person, or that the affidavit on any envelope is insufficient, the certificate is not signed, or the voted ballot is not in the voted ballot envelope, or, in the case of a primary vote, the early or absentee voter has failed to return the unvoted ~~portions of the~~

primary ballots, such envelope shall be marked “defective,” and the ballots inside shall not be counted and shall be returned in the unopened envelope to the town clerk in the manner prescribed by section 2590 of this title. The provisions of this section shall be indicated prominently in the early or absentee voter material prepared by the ~~secretary of state~~ Secretary of State.

Sec. 15. 17 V.S.A. § 2566 is amended to read:

§ 2566. MARKING BALLOTS

On receiving his or her ballots, the voter shall forthwith, and without leaving the polling place or going outside the guardrail, ~~retire alone~~ proceed to one of the booths not occupied by any other person and ~~prepare his or her ballots~~ vote by marking filling in the appropriate square or ~~place a cross (X)~~ oval opposite the name of the candidate of his or her choice for each office, or by filling in the name of the candidate of his or her choice in the blank space provided and the square or oval to the right of that blank space. ~~A voter shall not be allowed to occupy a booth more than five minutes when other voters are waiting to mark their ballots.~~

Sec. 16. 17 V.S.A. § 2569 is amended to read:

§ 2569. ASSISTANCE TO VOTER

(a) A voter who declares to the presiding officer that he or she needs assistance to mark the ballot ~~or register a vote on a machine~~ shall be assisted in the marking or registering of the ballot by a person of the voter’s choice or two election officials of different party affiliations.

(b) A person who gives assistance to a voter in the marking ~~or registering~~ of his or her ballot shall not in any way divulge any information regarding the choice of the voter or the manner in which the voter's ballot was cast.

Sec. 17. 17 V.S.A. § 2570 is amended to read:

§ 2570. DEPOSITING BALLOTS

(a) In primary elections, ~~each voter shall separate all sections on the perforations, whether voted or unvoted, and fold each section separately. The~~ the voter shall first hand the any unvoted section or sections ballots to the appropriate election official, who shall deposit ~~the section or sections~~ those ballots in a receptacle marked for unvoted ballots. The voter shall then deposit the voted ~~section of the~~ ballot in the ballot box or vote tabulator, unless the voter requires assistance in depositing the ballot.

(b) In all other elections, ~~before leaving the booth,~~ the voter shall ~~fold his or her ballots separately,~~ without displaying the marks thereon, and ~~shall then himself or herself,~~ under the supervision of an election official, deposit each ballot into the proper ballot box or in the vote tabulator.

(c) Except as provided in section 2569 of this title, no election official or other person shall look at the contents of any ballot ~~or any voted or unvoted section of the ballot.~~

Sec. 17a. 17 V.S.A. § 2587 is amended to read:

§ 2587. RULES FOR COUNTING BALLOTS

* * *

(e)(1) In the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label containing a candidate’s name upon the ballot, without other indications of the voter’s intent, shall constitute a vote for that candidate, even though ~~no cross is placed~~ the voter did not fill in the square or oval after ~~such~~ the name.

(2) The election officials counting ballots and tallying results ~~must~~ shall list every person who receives a “write-in” vote and the number of votes received.

(A) On each tally sheet, the counters shall add together the names of candidates that are clearly the same person, even though a nickname or last name is used.

(B) Names of fictitious persons shall not be listed.

* * *

Sec. 18. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

* * *

(c) For any primary or general election:

(1) The town clerk shall report as soon as practicable on the day of the election the unofficial vote counts of all candidates whose names appeared on the ballot to the Secretary of State. The report shall be made by electronically submitting the vote counts on the Secretary’s online elections reporting system

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

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

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

* * *

Sec. 19. 2014 Acts and Resolves No. 161, Sec. 41 is amended to read:

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

§ 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE

CHECKLIST BY TOWN CLERK

Not later than 60 days after a an annual town meeting, primary election, presidential primary, or general election, the town clerk shall indicate on the town ~~or municipal~~ checklist of the statewide checklist each voter's participation, participation method, and political party of ballot taken, if applicable, in ~~the primary election, presidential primary, or general~~ that election by a method approved by the Secretary of State.

* * * Recounts * * *

Sec. 20. 17 V.S.A. § 2602b is amended to read

§ 2602b. ASSIGNMENT OF DUTIES

(a)(1) The county clerk shall supervise the recount and may appoint a sufficient number of impartial assistants to perform appropriate tasks which have not been assigned to recount committee members. The county clerk shall recruit town clerks to serve as impartial assistants to the county clerk for operating the vote tabulators, and shall consult with the Secretary of State to identify any vote tabulators to be used.

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

(b) The county clerk shall assign committee members to teams of at least four persons, consisting of one caller and one observer, representing different candidates, and one tally person and one double-check person, representing different candidates. Any additional team members shall be additional observers and double-check persons, who shall be assigned to ensure that each candidate has one person assigned as either a caller or an observer and one person assigned as either a tally person or a double-check person. One team shall be designated as the clerk observer team, which shall perform only the functions established under this ~~section~~ subchapter for that team.

* * *

Sec. 21. 17 V.S.A. § 2602e is amended to read:

§ 2602e. ~~SORTING OF BALLOTS~~

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

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

Sec. 22. 17 V.S.A. § 2602f is amended to read:

§ 2602f. RECOUNT BY VOTE TABULATOR

(a)(1) Vote tabulator-readable ballots from each ~~pile~~ container shall be fed through a vote tabulator by one team until all vote tabulator-readable ballots from the container have been entered. For ballots unable to be read by a vote tabulator, such as damaged or plain paper ballots, a second team shall collect

these ballots from the pile and transfer the voter's choices on those ballots to blank ballots provided by the Secretary of State. After all of the vote tabulator-readable ballots have been fed through the vote tabulator, the first team shall feed through the vote tabulator any transfer ballots created by the second team.

* * *

* * * Local Elections * * *

Sec. 23. 17 V.S.A. § 2642 is amended to read:

§ 2642. WARNING AND NOTICE CONTENTS

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

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

(3)(A) The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than ~~45~~ 47 days before the day of the meeting.

(B) The clerk receiving the petitions shall immediately proceed to examine them to ascertain whether they ~~conform to the provisions of this subchapter~~ contain the required number of signatures of registered voters set forth in subdivision (A) of this subdivision (3). If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within

24 hours from receipt, he or she shall return it to the petitioners. In this case, supplementary petitions may be filed not later than 48 hours after the petition was returned to the petitioners by the clerk or the filing deadline set forth in subdivision (A) of this subdivision (3), whichever is later. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) of this subdivision (3) were not filed by the filing deadline.

(C) A petition submitted under this subdivision (3):

(i) may include more than one proposed article;

(ii) shall contain the petition language on each page on which signatures are collected; and

(iii) shall include the printed name, signature, and street address of each voter who signed the petition.

(D) A voter may withdraw his or her name from a petitioned article at any time prior to the signing of the warning by a majority of the legislative body.

* * *

Sec. 24. 17 V.S.A. § 2643 is amended to read:

§ 2643. SPECIAL MEETINGS

(a) The legislative body may warn a special municipal meeting when it deems it necessary and shall call a special meeting on the application of five percent of the voters. A special meeting shall be warned within ~~45~~ 60 days of

receipt of the application by the ~~town~~ municipal clerk. A voter may withdraw his or her name from a petition for a special meeting at any time prior to the signing of the warning by a majority of the legislative body.

* * *

Sec. 25. 17 V.S.A. § 2664 is amended to read:

§ 2664. BUDGET

~~A~~ At its annual meeting, a town shall vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights. It shall express in its vote the specific amounts, or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses. If a town votes specific amounts in lieu of a rate on a dollar of the grand list, the selectboard shall, after the grand list book has been computed and lodged in the office of the town clerk, set the tax rate necessary to raise the specific amounts voted. The selectboard may apply for grants and may accept and expend grants or gifts above those which are approved in the town budget. The selectboard shall include, in its annual report, a description of all grants or gifts accepted during the year and associated expenditures.

Sec. 26. 17 V.S.A. § 2680 is amended to read:

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

* * *

(c) Budgets.

(1) A vote whether to use the Australian ballot system to establish the budget shall be in substantially the following form:

“Shall (name of municipality) adopt its budget article or articles by Australian ballot?”

(2) If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget.

(A) The legislative body shall establish a date for the vote on the revised budget, and shall take appropriate steps to warn a public informational meeting on the budget and the vote. The date of the public informational meeting shall be at least five days following the public notice. The date of the vote shall be at least seven days following the public notice.

(B) The vote on the revised budget shall be by Australian ballot and shall take place in the same locations that the first vote was taken; provided, however, that if that polling place is unavailable, the vote may be held at a different location, with notice posted of the meeting location at the original location.

(C) The budget shall be established if a majority of all votes cast are in favor. If the revised budget is rejected, the legislative body shall repeat the procedure in this subsection until a budget is adopted.

(D) Once a municipality votes to establish its budget by the Australian ballot system, the vote on the budget shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

* * *

Sec. 27. 17 V.S.A. § 2681 is amended to read:

§ 2681. NOMINATIONS; PETITIONS; CONSENTS

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

(B) A candidate shall be registered to vote in the town he or she is seeking office at or before the time of filing the petition.

(2) The candidate shall also file a written consent to the printing of the candidate's name on the ballot on or before the filing deadline for petitions as set forth in subdivision (1) of this subsection.

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

* * *

(e) The officer receiving the petitions shall immediately proceed to examine them to ascertain whether they conform to the provisions of this subchapter. If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In this case, supplementary petitions may be filed not later than 5:00 p.m. on the Wednesday after the filing deadline. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subsection (b) of this section were not filed by the filing deadline set forth in subdivision (a)(1) of this section.

Sec. 28. 17 V.S.A. § 2685 is amended to read:

§ 2685. CONDUCT OF RECOUNT

(a)(1) ~~At~~ Except as provided in subdivision (2) of this subsection, at the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container, and recount the votes pursuant to the procedure set forth in section 2685a of this subchapter, unless the candidate who petitions for a recount requests that the recount be conducted by vote tabulator, in which case the recount shall be conducted by the presiding officer and board of civil authority pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable.

(2) When the ballot for the office is printed on index stock and configured to be readable by vote tabulator, the presiding officer and board of

civil authority shall conduct the recount by vote tabulator, pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable, if:

(A) the candidate who petitions for a recount requests that it be conducted by vote tabulator;

(B) the board of civil authority, at a meeting held not less than 60 days prior to a local election and warned pursuant to 24 V.S.A. § 801, has voted to require the municipality for which it is elected to use vote tabulators in subsequent recounts; or

(C) the municipality has voted to use vote tabulators in subsequent recounts pursuant to a meeting warned for the purpose.

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

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

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

* * * Presidential Elections * * *

Sec. 29. 17 V.S.A. § 2703 is amended to read:

§ 2703. EXAMINING PETITIONS, SUPPLEMENTARY PETITIONS

The ~~secretary of state~~ Secretary of State shall examine the petitions and ascertain whether they conform to the provisions of this chapter, and sections 2353, 2354, and 2358 of this title. If found not to conform, he or she shall state in writing why a particular petition cannot be accepted, and within 72 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than 10 days after the ~~date~~ deadline for filing petitions. However, supplementary petitions shall not be accepted if petitions with the signatures of at least 1,000 persons were not filed by 5:00 p.m. on the ~~third Monday of January preceding the primary election~~ the deadline for filing petitions set forth in section 2702 of this chapter.

Sec. 29a. 17 V.S.A. § 2903 is amended to read:

§ 2903. PENALTIES

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund ~~the unspent balance of Vermont campaign finance grants received under~~

~~subchapter 5 of this chapter, if any, calculated as of the date of the violation to~~
the Secretary of State an amount equivalent to any contributions or
expenditures that violate subdivision 2983(b)(1) of this chapter.

(c) In addition to the other penalties provided in this section, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

Sec. 29b. [Deleted.]

* * * Campaign Finance * * *

Sec. 30. 17 V.S.A. § 2905 is amended to read:

§ 2905. ADJUSTMENTS FOR INFLATION

(a)(1) Whenever it is required by this chapter, the Secretary of State shall make adjustments to monetary amounts provided in this chapter based on the Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and shall apply for the term of two two-year general election cycles. Increases shall be effective for the first two-year general election cycle beginning after the general election held in 2016.

(2) As used in this section, Consumer Price Index shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

* * *

Sec. 31. 17 V.S.A. § 2941 is amended to read:

§ 2941. LIMITATIONS OF CONTRIBUTIONS

(a) In any election cycle:

* * *

~~(6) A single source shall not contribute more than an aggregate of:~~

~~(A) \$40,000.00 to candidates; and~~

~~(B) \$40,000.00 to political committees. [Repealed.]~~

* * *

Sec. 32. 17 V.S.A. § 2961 is amended to read:

§ 2961. SUBMISSION OF REPORTS TO THE SECRETARY OF STATE

* * *

(b) Any person required to file a report with the Secretary of State under this chapter shall file the report digitally on the online database.

Notwithstanding the definition of “file” set forth in section 2103 of this title, such a report is required to be filed on or before the day provided in this chapter.

Sec. 33. 17 V.S.A. § 2962 is amended to read:

§ 2962. REPORTS; GENERAL PROVISIONS

* * *

~~(c) All reports filed under this chapter shall be retained in an indexed file by the Secretary of State and shall be subject to the examination of any person.~~

[Repealed.]

Sec. 34. 17 V.S.A. § 2963 is amended to read:

§ 2963. CAMPAIGN REPORTS; SECRETARY OF STATE; FORMS;

FILING

(a) The Secretary of State shall prescribe and provide a uniform reporting form for all campaign finance reports. The reporting form shall be designed to show the following information:

(1) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed;

(2) the total amount of all contributions of \$100.00 or less and the total number of all contributors making such contributions;

* * *

Sec. 35. 17 V.S.A. § 2964 is amended to read:

§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,

THE GENERAL ASSEMBLY, AND COUNTY OFFICE;

POLITICAL COMMITTEES; POLITICAL PARTIES

(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of

this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(A) in the first year of the two-year general election cycle, on July 15; and

(B) in the second year of the two-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(iii) on September 1;

(iv) on October 1, October 15, and ~~November 1~~ the Friday before the general election; and

(v) two weeks after the general election.

(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:

(A) in the first three years of the four-year general election cycle, on July 15; and

(B) in the fourth year of the four-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(iii) on September 1;

(iv) on October 1, October 15, and ~~November 1~~ the Friday before the general election; and

(v) two weeks after the general election.

* * *

Sec. 36. 17 V.S.A. § 2965 is amended to read:

§ 2965. FINAL REPORTS; CANDIDATES FOR STATE OFFICE, THE GENERAL ASSEMBLY, AND COUNTY OFFICE; POLITICAL COMMITTEES; POLITICAL PARTIES; END-OF-CYCLE REPORTS FOR POLITICAL COMMITTEES AND POLITICAL PARTIES

(a) At any time, but not later than December 15th following the general election, each candidate required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State a “final report” ~~which~~ that lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(b)(1) At any time, but not later than December 15th following the general election, each political committee or political party that has not filed a final report as set forth in subdivision (2) of this subsection shall file an end-of-cycle report that lists a complete accounting of all contributions and expenditures since the last report.

(2) At any time, a political committee or a political party may file a “final report” which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of its campaign activities.

Sec. 37. 17 V.S.A. § 2971 is amended to read:

§ 2971. REPORT OF MASS MEDIA ACTIVITIES

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate’s knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within ~~30~~ 45 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity and within 24 hours of the expenditure or activity, whichever occurs first, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The report shall include all of the information required under subsection (b) of this section, as well as the names of the contributors, dates,

and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report.

* * * Town Reports * * *

Sec. 38. 24 V.S.A. § 1682 is amended to read:

§ 1682. REPORT; DISTRIBUTION

(a)(1) The auditors shall report their findings in writing and cause the same to be mailed or otherwise distributed to the voters ~~or residents~~ of the town at least ten days before the annual meeting.

(2) At a duly warned annual or special meeting, the voters of the town may vote to provide notice of the availability of the auditors' report to the voters ~~or residents~~ of the town in lieu of mailing or otherwise distributing the report itself. If the voters of the town vote to provide notice of availability, they must specify how notice of availability shall be given, and such notice of availability shall be provided to the voters ~~or residents~~ of the town at least 30 days before the annual meeting.

(3) Upon request, the auditors shall mail or distribute a copy of the full report to a voter or resident of the town.

(4) When the auditors mail or distribute the report or provide notice of the availability of the report to the voters ~~or residents~~ of the town, they shall at the same time deliver to the town clerk the copies required by section 1173 of this title and shall place all surplus copies in the custody of the town clerk before the first Tuesday in March.

(5) ~~For purposes of~~ As used in this subsection, the term “resident” shall be defined as the term is defined in ~~subsection 2122(b) of Title 17 V.S.A.~~ § 2122(b).

* * *

Sec. 39. 24 V.S.A. § 1683 is amended to read:

§ 1683. CONTENTS OF REPORT; MUNICIPAL FISCAL YEARS

(a) The report shall show a detailed statement of the financial condition of such town for its fiscal year, a classified summary of receipts and expenditures, a list of all outstanding orders and payables more than 30 days past due, and show deficit, if any, pursuant to section 1523 of this title and such other information as the municipality shall direct. Individuals who are exempt from penalty, fees, and interest by virtue of 32 V.S.A. § 4609 shall not be listed or identified in any such report, provided that they notify or cause to be notified in writing the municipal or district treasurer that they should not be so listed or identified.

(b) The fiscal year of all school districts, charter provisions notwithstanding, shall end on June 30.

(c) The fiscal year of other municipalities shall end on December 31, unless the municipality votes at an annual or special meeting duly warned for that purpose to have a different fiscal year, in which case the fiscal year so voted shall remain in effect until amended.

(d) [Repealed.]

* * * Effective Dates * * *

Sec. 40. EFFECTIVE DATES

This act shall take effect on passage, except:

(1) Sec. 7, 17 V.S.A. § 2402 (requisites of statement), shall take effect on January 1, 2016; and

(2) Sec. 19, 17 V.S.A. § 2593 (participation to be entered on statewide checklist by town clerk), shall take effect on July 1, 2015.

Date Governor signed bill: May 26, 2015