

1 H.129

2 Introduced by Representatives Sweaney of Windsor, Evans of Essex, Hubert
3 of Milton, Martin of Wolcott, and Townsend of South
4 Burlington

5 Referred to Committee on

6 Date:

7 Subject: Elections; municipal government; town, municipality, or political
8 subdivision

9 Statement of purpose of bill as introduced: This bill proposes to make
10 miscellaneous amendments to election laws that contain the term “town,”
11 “municipality,” or “political subdivision” in accordance with the definitions of
12 those terms:

13 (1) Under 17 V.S.A. § 2103(34), “town” includes a city.

14 (2) Under 1 V.S.A. § 126, “municipality” includes a city, town, town
15 school district, incorporated school or fire district, incorporated village, and all
16 other governmental incorporated units.

17 (3) Under 17 V.S.A. § 2103(24), “political subdivision” means any
18 county, municipality, representative district, senatorial district, school district,
19 fire district, water, sewer, or utility district, ward, and any consolidation of the
20 foregoing entities authorized under the laws of this State.

1 An act relating to the use of the terms “town,” “municipality,” and “political
2 subdivision” in election law

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

4 * * * Offenses Against The Purity Of Elections * * *

5 Sec. 1. 17 V.S.A. § 1973 is amended to read:

6 § 1973. VOTING IN MORE THAN ONE PLACE

7 A person who, on the same day, votes in more than one ~~town, district, or~~
8 ~~ward~~ political subdivision for the same office shall be fined not more than
9 \$1,000.00.

10 * * * Qualification And Registration Of Voters * * *

11 Sec. 2. 17 V.S.A. § 2143 is amended to read:

12 § 2143. POLITICAL REPRESENTATION ON BOARD OF CIVIL
13 AUTHORITY

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

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Sec. 3. 17 V.S.A. § 2145a is amended to read:

§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
VEHICLES

* * *

(e) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate ~~municipalities~~ towns.

Sec. 4. 17 V.S.A. § 2145b is amended to read:

§ 2145b. VOTER REGISTRATION AGENCIES

* * *

(b) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate ~~municipalities~~ towns.

* * *

Sec. 5. 17 V.S.A. § 2149 is amended to read:

§ 2149. CONCLUSIVENESS OF LIST

(a) A person shall not vote at an election unless his or her name is on the checklist applicable to the ~~municipality~~ political subdivision, but the checklist may be amended and corrected for such election as provided in this title. The eligibility of a person to vote shall not be challenged on the day of election if the person's name is on the checklist, except as provided in section 2564 of this title.

1 (b) Notwithstanding the provisions of subsection (a) of this section:

2 * * *

3 (2) If a voter who failed to return notice sent pursuant to section 2150 of
4 this title has moved from an address in the area covered by one polling place to
5 an address in an area covered by a different polling place within the same
6 ~~municipality~~ political subdivision, the voter shall upon oral or written
7 confirmation, be permitted to correct the voting records and vote in the current
8 election at the appropriate polling place. The affirmation authorized by this
9 subdivision shall be made at the appropriate polling place before an election
10 official.

11 Sec. 6. 17 V.S.A. § 2150 is amended to read:

12 § 2150. REMOVING NAMES FROM CHECKLIST

13 (a)(1) When a voter from one ~~political subdivision~~ town becomes a resident
14 of another ~~political subdivision~~ town and is placed on the checklist there, the
15 town clerk shall notify the clerk of the ~~political subdivision~~ town where the
16 voter was formerly a resident by submitting the notification electronically
17 within the statewide voter checklist system or by mailing to that clerk a copy
18 of the voter registration application form or other official notice, and that clerk
19 shall strike the voter's name from the checklist of that ~~political subdivision~~
20 town.

21 * * *

1 (b) The board of civil authority at any time may consider the eligibility of
2 persons on the checklist whom the board believes may be deceased, may have
3 moved from the ~~municipality~~ town, or may be registered in another place and
4 may remove names of persons no longer qualified to vote. However, the board
5 shall not remove any name from the checklist except in accordance with the
6 procedures in subsection (d) of this section, and any systematic program for
7 removing names from the checklist shall be completed at least 90 days before
8 an election.

9 * * *

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

13 * * *

14 (3) If after conducting its inquiry the board of civil authority or town
15 clerk is unable to locate a voter whose name is on the checklist, or if the
16 inquiry reveals facts indicating that the voter may no longer be eligible to vote
17 in the municipality, the board of civil authority or, upon request of the board,
18 the town clerk shall send a written notice to the voter. The notice shall be sent
19 by first class mail to the most recent known address of the voter asking the
20 voter to verify his or her current eligibility to vote in the municipality. The
21 notice shall be sent with the required U.S. Postal Service language for

1 requesting change of address information. Enclosed with the notice shall be a
2 postage paid pre-addressed return form on which the voter may reply swearing
3 or affirming the voter's current place of residence as the municipality in
4 question or alternatively consenting to the removal of the voter's name. The
5 notice required by this subsection shall also include the following:

6 * * *

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

9 * * *

10 Sec. 7. 17 V.S.A. § 2154 is amended to read:

11 § 2154. STATEWIDE VOTER CHECKLIST

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

17 (1) limit the town clerk to adding, modifying, or deleting applicant and
18 voter information on the portion of the checklist for that clerk's ~~municipality~~
19 town;

1 (2) limit access to the statewide voter checklist for a local elections
2 official to verifying if the applicant is registered in another ~~municipality~~ town
3 in the ~~state~~ State by a search for the individual voter;

4 * * *

5 * * * Nominations * * *

6 Sec. 8. 17 V.S.A. § 2402 is amended to read:

7 § 2402. REQUISITES OF STATEMENT

8 * * *

9 (b)(1) To constitute a valid nomination, a statement shall contain signatures
10 of voters qualified to vote in an election for the office in question, equal in
11 number to at least:

12 * * *

13 (E) For justice of the peace, 30 or one percent of the legal voters of
14 the ~~municipality~~ town, whichever is less.

15 * * *

16 Sec. 9. 17 V.S.A. § 2413 is amended to read:

17 § 2413. NOMINATION OF JUSTICES OF THE PEACE

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

1 (2)(A) The committee shall give notice of the caucus by posting notice
2 at the office of the town clerk and two other public places in the town at least
3 five days prior to the caucus.

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

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

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

9 (ii) on the ~~municipality's~~ town's website, if the ~~municipality~~ town
10 actively updates its website on a regular basis.

11 * * *

12 * * * Conduct of Elections * * *

13 Sec. 10. 17 V.S.A. § 2451 is amended to read:

14 § 2451. BOARD OF CIVIL AUTHORITY

15 The board of civil authority shall have charge of the conduct of elections
16 within the ~~political subdivision~~ municipality for which it is elected. At any
17 time before an election, the board of civil authority may issue guidance for
18 elections officials that assists officials in conducting elections within the
19 ~~political subdivision~~ municipality. Guidance issued by the board shall not
20 conflict with federal or state elections laws. A quorum of the board of civil
21 authority shall be available at all times when the polls are open, and those

1 members of the board of civil authority present at a polling place shall
2 constitute a quorum for the transaction of business relating to the conduct of
3 the election and the qualification and registration of voters at this polling place.

4 Sec. 11. 17 V.S.A. § 2452 is amended to read:

5 § 2452. PRESIDING OFFICER

6 (a) The town clerk shall be the presiding officer unless the ~~town~~
7 municipality by vote at an annual meeting or by charter shall provide
8 otherwise. If the regular presiding officer is unavailable or unable to preside at
9 any given election, then the board of civil authority shall promptly appoint a
10 voter of the ~~town~~ municipality to serve as the presiding officer at that election.

11 * * *

12 Sec. 12. 17 V.S.A. § 2456 is amended to read:

13 § 2456. DISQUALIFICATIONS

14 Notwithstanding the preceding sections of this subchapter, no person shall
15 serve as an election official in any election in which his or her name appears on
16 a ballot of the Australian ballot system as a candidate for any office unless he
17 or she is the only candidate for that office, or unless the office for which he or
18 she is a candidate is that of moderator, justice of the peace, ~~town~~ municipal
19 clerk, treasurer, ward clerk, or inspector of elections. When an Australian
20 ballot is not used, a person shall not serve as an election official during the
21 election to fill any office for which he or she is a nominee.

1 Sec. 13. 17 V.S.A. § 2491 is amended to read:

2 § 2491. ~~POLITICAL SUBDIVISION~~ TOWNS; VOTE TABULATORS

3 (a) Except as provided in subsection (b) of this section, a board of civil
4 authority may, at a meeting held not less than 60 days prior to an election and
5 warned pursuant to 24 V.S.A. § 801, vote to require the ~~political subdivision~~
6 town for which it is elected to use vote tabulators for the registering and
7 counting of votes in subsequent elections.

8 * * *

9 Sec. 14. 17 V.S.A. § 2493 is amended to read:

10 § 2493. RULES FOR USE OF VOTE TABULATORS; AUDITS

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

14 (1) All municipalities that have voted to use a vote tabulator shall use a
15 uniform vote tabulator approved by the Secretary of State.

16 * * *

17 (3)(A) The Secretary of State shall conduct a random postelection audit
18 of any polling place election results for a primary or general election within
19 30 days of the election.

20 (B) If the Secretary determines that a random audit shall be
21 conducted of the election results in a ~~town or city~~ municipality, the town clerk

1 shall direct two members of the board of civil authority to transport the ballot
2 bags to the office of the Secretary not later than 10:00 a.m. on the morning
3 when the Secretary has scheduled the audit.

4 * * *

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

9 * * *

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

14 Sec. 15. 17 V.S.A. § 2494 is amended to read:

15 § 2494. CONSTRUCTION WITH OTHER LAWS

16 * * *

17 (b) In ~~towns~~ municipalities using vote tabulators, the board of civil
18 authority may vote to open polling places at 5:00 a.m., provided that at least
19 three elections officials are present, two of whom are from different parties. If
20 all early voter absentee ballots have not been deposited into the vote tabulators
21 before the closing of the polls at 7:00 p.m., the elections officials shall

1 continue to deposit ballots using the same procedure as provided in subsection
2 2561(b) of this title, treating each ballot as a voter waiting to cast his or her
3 ballot at the close of the polls.

4 Sec. 16. 17 V.S.A. § 2502 is amended to read:

5 § 2502. LOCATION OF POLLING PLACES

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

7 * * *

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

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

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

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

3 * * *

4 (3) The Secretary of State shall provide on his or her official website a
5 list of polling places that will be used in any ~~local~~, annual meeting or a
6 primary, or general election within the State, and shall specifically provide
7 notice on that website of any change in the location of a ~~municipality's~~ town's
8 polling place.

9 Sec. 17. 17 V.S.A. § 2506 is amended to read:

10 § 2506. BALLOT BOXES; SIGNS FOR DEPOSITING BALLOTS

11 All ballot boxes shall be rigid wood or metal containers. Ballot boxes shall
12 be furnished at the expense of the ~~town~~ municipality where they are to be used.
13 When not in use, ballot boxes shall be in the custody of the ~~town~~ municipal
14 clerk. During voting hours there shall be signs, provided by the ~~secretary of~~
15 ~~state~~ Secretary of State, placed on or near ballot boxes telling voters to deposit
16 their own ballots in the ballot boxes. This requirement shall not apply to the
17 ballot boxes used during primary elections for the collection of unvoted
18 ballots, in which instance unvoted ballots are inserted by election officials.

1 Sec. 18. 17 V.S.A. § 2522 is amended to read:

2 § 2522. SAMPLE BALLOTS

3 (a) As soon as ballots are received by the ~~town~~ municipal clerk, but not
4 later than 20 days prior to any primary or general election or 10 days prior to
5 any municipal election, the ~~town~~ municipal clerk shall post sample ballots in at
6 least two public places within the ~~town~~ municipality and in or near the town
7 clerk's office. If a ~~town~~ municipality has more than one polling place and the
8 polling places are not all in the same building, the sample ballot shall be posted
9 in at least two public places within each voting district and in or near the town
10 clerk's office.

11 (b) The ~~town~~ municipal clerk shall prepare the sample ballots by marking
12 the words SAMPLE BALLOT prominently at the top of official election
13 ballots.

14 (c) [Repealed.]

15 (d) Upon the request of any high school or other educational institution in
16 the town, the ~~town~~ municipal clerk shall deliver a sample ballot to the high
17 school or educational institution.

1 persons who have marked and returned early voter absentee ballots, and these
2 persons shall not thereafter vote in person in the same election.

3 * * *

4 Sec. 21. 17 V.S.A. § 2557 is amended to read:

5 § 2557. TOWN CLERK APPROVAL OF PROVISIONAL VOTER

6 ATTESTATION

7 * * *

8 (d) Upon receipt of the official return of vote that contains provisional
9 envelopes from any town clerk, the ~~secretary~~ Secretary of State shall open all
10 envelopes that were approved by the ~~municipal~~ town clerk, deposit the ballot in
11 a ballot box, and count all approved ballots, adding the totals to the statewide
12 count for federal offices.

13 Sec. 22. 17 V.S.A. § 2561 is amended to read:

14 § 2561. HOURS OF VOTING; EXTENDED HOURS

15 (a) At all elections using the Australian ballot system, the polls may open
16 no earlier than 5:00 a.m. and shall open no later than 10:00 a.m. as set by the
17 board of civil authority in each ~~town~~ municipality. The polls in all polling
18 places shall close at 7:00 p.m.

19 * * *

1 Sec. 23. 17 V.S.A. § 2563 is amended to read:

2 § 2563. ADMITTING VOTER

3 Before a person may be admitted to vote, he or she shall announce his or
4 her name and if requested, his or her place of residence in a clear and audible
5 tone of voice, or present his or her name in writing, or otherwise identify
6 himself or herself by appropriate documentation. The election officials
7 attending the entrance of the polling place shall then verify that the person's
8 name appears on the checklist for the polling place. If the name does appear,
9 and if no one immediately challenges the person's right to vote on grounds of
10 identity or having previously voted in the same election, the election officials
11 shall repeat the name of the person and:

12 (1) If the checklist indicates that the person is a first-time voter in the
13 ~~municipality~~ town who registered by mail and who has not provided required
14 identification before the opening of the polls, require the person to present any
15 one of the following: a valid photo identification; a copy of a current utility
16 bill; a copy of a current bank statement; or a copy of a government check,
17 paycheck, or any other government document that shows the current name and
18 address of the voter. If the person is unable to produce the required
19 information, the person shall be afforded the opportunity to cast a provisional
20 ballot, as provided in subchapter 6A of this chapter. The elections official
21 shall note upon the checklist a first-time voter in the ~~municipality~~ town who

1 has registered by mail and who produces the required information, and place a
2 mark next to the voter's name on the checklist and allow the voter to proceed
3 to the voting booth for the purpose of voting.

4 (2) If the voter is not a first-time voter in the ~~municipality~~ town, no
5 identification shall be required, the clerk shall place a check next to the voter's
6 name on the checklist and allow the voter to proceed to the voting booth for the
7 purpose of voting.

8 Sec. 24. 17 V.S.A. § 2571 is amended to read:

9 § 2571. CHECKING VOTER'S NAME UPON LEAVING

10 In ~~towns~~ municipalities that have exit checklists, before a voter's ballots are
11 deposited, he or she shall again announce his or her name to the election
12 officials attending the second certified copy of the checklist. A mark shall then
13 be placed next to his or her name upon the checklist, ballots shall be deposited
14 and he or she shall proceed immediately outside the guardrail by the exit and
15 shall not again enter within the guardrail unless he or she is an election official.

16 Sec. 25. 17 V.S.A. § 2573 is amended to read:

17 § 2573. NO COUNTING BEFORE POLLS CLOSE

18 In ~~towns~~ municipalities 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~~ municipalities using vote tabulators, the tabulator counts shall not be
21 viewed or printed before the closing of the polls.

1 least one other election official shall transfer the totals from the summary
2 sheets to the proper spaces on the return, and both shall sign the return.

3 (2) The town clerk shall store the summary sheets safely so that the
4 public cannot reasonably have access to them for a period of 90 days without
5 the town clerk's consent. The original of the return shall be delivered to the
6 town clerk.

7 (3) In primary and general elections, in a manner prescribed by the
8 Secretary of State and within 48 hours of the close of the polls, the town clerk
9 shall deliver to the Secretary of State, the senatorial district clerk, the county
10 clerk, and the representative district clerk one certified copy each of the return.
11 The town clerk shall also make a copy available to the public upon request.

12 Sec. 27. 17 V.S.A. § 2593 is amended to read:

13 § 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE

14 CHECKLIST BY TOWN CLERK

15 Not later than 60 days after the general election, the town clerk shall
16 indicate on the town ~~or municipal~~ checklist of the statewide checklist each
17 voter's participation in the general election by a method approved by the
18 Secretary of State.

1 Sec. 28. 2014 Acts and Resolves No. 161, Sec. 41 is amended to read:

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

3 § 2593. PARTICIPATION TO BE ENTERED ON STATEWIDE

4 CHECKLIST BY TOWN CLERK

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

11 * * * Local Elections * * *

12 Sec. 29. 17 V.S.A. § 2640 is amended to read:

13 § 2640. ANNUAL MEETINGS

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

20 (b) When a town so votes, it may thereafter start its annual meeting on any
21 of the three days immediately preceding the first Tuesday in March at such

1 time as it elects and may transact at that time any business not involving voting
2 by Australian ballot or voting required by law to be by ballot and to be held on
3 the first Tuesday in March. A meeting so started shall be adjourned until the
4 first Tuesday in March.

5 * * *

6 Sec. 30. 17 V.S.A. § 2640a is amended to read:

7 § 2640a. REPRESENTATIVE ANNUAL MEETINGS

8 (a) A ~~municipality~~ town with a population of 5,000 or greater may vote at a
9 special or annual town meeting to establish a representative form of annual or
10 special meeting.

11 (b)(1) A representative form of annual or special meeting is a meeting of
12 members elected by district to exercise the powers vested in the voters of the
13 town to act upon articles. However, the election of officers, public questions,
14 and all articles to be voted upon by Australian ballot as required by law or as
15 voted under section 2680 of this title at a prior annual or special meeting, and
16 reconsideration of articles under section 2661 of this title shall remain vested
17 in the voters of the town.

18 (2) An organizational resolution to adopt a representative form of annual
19 or special meeting may be made by the legislative body of the ~~municipality~~
20 town or by petition of five percent of the voters of the ~~municipality~~ town. An
21 official copy of the organizational resolution shall be filed in the office of the

1 clerk of the ~~municipality~~ town at least 10 days before the annual or special
2 meeting at which the vote whether to adopt the organizational resolution shall
3 take place, and copies thereof shall be made available to members of the public
4 upon request.

5 (3) An organizational resolution shall include the following:

6 * * *

7 (F) a procedure whereby the voters of the ~~municipality~~ town may
8 reconsider any action taken at a representative meeting.

9 (c) The form of the question of whether to establish a representative form
10 of annual or special meeting shall be substantially as follows: "Shall the name
11 of ~~municipality~~ town adopt the representative form of annual or special
12 meeting as set forth in the organizational resolution?"

13 (d) A vote establishing a representative form of annual or special meeting
14 shall remain in effect until the ~~municipality~~ town votes to discontinue or
15 establish a new representative form of annual or special meeting at an annual
16 or special meeting duly warned for that purpose.

17 Sec. 31. 17 V.S.A. § 2643 is amended to read:

18 § 2643. SPECIAL MEETINGS

19 (a) The legislative body may warn a special municipal meeting when it
20 deems it necessary and shall call a special meeting on the application of five

1 percent of the voters. A special meeting shall be warned within 15 days of
2 receipt of the application by the ~~town~~ municipal clerk.

3 * * *

4 Sec. 32. 17 V.S.A. § 2644 is amended to read:

5 § 2644. WARNINGS

6 The original warning for each municipal meeting shall be signed by a
7 majority of the legislative body and shall be filed with the town clerk and
8 recorded before being posted. When all positions on the legislative body are
9 vacant, warnings may be signed by the clerk.

10 Sec. 33. 17 V.S.A. § 2651a is amended to read:

11 § 2651a. CONSTABLES; APPOINTMENT; REMOVAL

12 (a) A town may vote by Australian ballot at an annual meeting to authorize
13 the ~~selectmen~~ selectboard to appoint a first constable, and if needed a second
14 constable, in which case at least a first constable shall be appointed. A
15 constable so appointed may be removed by the ~~selectmen~~ selectboard for just
16 cause after notice and hearing. When a town votes to authorize the ~~selectmen~~
17 selectboard to appoint constables, the ~~selectmen's~~ selectboard's authority to
18 make such appointments shall remain in effect until the town rescinds that
19 authority by the majority vote of the legal voters present and voting at an
20 annual meeting, duly warned for that purpose.

1 (b) Notwithstanding the provisions of subsection (a) to the contrary, a vote
2 to authorize the ~~selectmen~~ selectboard to appoint constables shall become
3 effective only upon a two-thirds vote of those present and voting, if a written
4 protest against the authorization is filed with the legislative body at least 15
5 days before the vote by at least five percent of the voters of the ~~municipality~~
6 town.

7 Sec. 34. 17 V.S.A. § 2651c is amended to read:

8 § 2651c. LACK OF ELECTED LISTER; APPOINTMENT OF LISTER;
9 ELIMINATION OF OFFICE

10 (a) Notwithstanding any other provisions of law to the contrary and except
11 as provided in subsection (b) of this section, in the event the board of listers of
12 a ~~municipality~~ town falls below a majority and the selectboard is unable to find
13 a person or persons to appoint as a lister or listers under the provisions of
14 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties
15 of a lister as set forth in 32 V.S.A. chapter 121, subchapter 2 until the next
16 annual meeting. The appointed person need not be a resident of the
17 ~~municipality~~ town and shall have the same powers and be subject to the same
18 duties and penalties as a duly elected lister for the ~~municipality~~ town.

19 * * *

1 Sec. 35. 17 V.S.A. § 2651d is amended to read:

2 § 2651d. COLLECTOR OF DELINQUENT TAXES; APPOINTMENT;
3 REMOVAL

4 (a) A ~~municipality~~ town may vote at an annual or special meeting to
5 authorize the legislative body to appoint a collector of delinquent taxes, who
6 may be the ~~municipal~~ town treasurer. A collector of delinquent taxes so
7 appointed may be removed by the legislative body for just cause after notice
8 and hearing.

9 (b) When a ~~municipality~~ town votes to authorize the legislative body to
10 appoint a collector of delinquent taxes, the legislative body's authority to make
11 such appointment shall remain in effect until the ~~municipality~~ town rescinds
12 that authority by the majority vote of the legal voters present and voting at an
13 annual or special meeting, duly warned for that purpose.

14 Sec. 36. 17 V.S.A. § 2656 is amended to read:

15 § 2656. QUALIFICATION AND REGISTRATION OF VOTERS

16 Regardless of the type of voting used, the qualifications to vote in any
17 municipal election shall be as provided in chapter 43 of this title and all
18 municipalities shall revise and post checklists as provided in chapter 43 of this
19 title prior to any municipal meeting at which there will be voting. The
20 presiding officer shall follow reasonable and necessary procedures to ensure
21 that persons who are not voters of the ~~town~~ municipality do not vote.

1 Sec. 39. 17 V.S.A. § 2662 is amended to read:

2 § 2662. VALIDATION OF MUNICIPAL MEETINGS

3 (a) When any of the requirements as to notice or warning of an annual or
4 special municipal meeting have been omitted or not complied with, the
5 omission or noncompliance, if the meeting and the business transacted at it is
6 otherwise legal and within the scope of the municipal powers, may be
7 corrected and legalized by vote at a regular meeting or special meeting of the
8 municipality called and duly warned for that purpose.

9 (b) The question to be voted upon shall substantially be, “Shall the action
10 taken at the meeting of this ~~town (or city, village or district)~~ municipality held
11 on (state date) in spite of the fact that (state the error or omission), and any act
12 or action of the municipal officers or agents pursuant thereto be readopted,
13 ratified, and confirmed.”

14 (c)(1) Errors or omissions in the conduct of an original meeting ~~which that~~
15 are not the result of an unlawful notice or warning or noncompliance within the
16 scope of the warning, may be cured by a resolution of the legislative body of
17 the municipality by a vote of two-thirds of all its members at a regular meeting
18 or a special meeting called for that purpose, stating that the defect was the
19 result of oversight, inadvertence, or mistake.

20 (2) When an error or omission of this nature has been ~~thus~~ corrected by
21 resolution, all business within the terms of the action of the qualified voters

1 shall be as valid as if the requirements had been initially complied with,
2 ~~condition~~ provided, however, that the original action thereby corrected by the
3 legislative body was in compliance with the legal exercise of its corporate
4 powers.

5 Sec. 40. 17 V.S.A. § 2665 is amended to read:

6 § 2665. NOTIFICATION TO SECRETARY OF STATE

7 ~~The~~ A town clerk shall file with the ~~secretary of state~~ Secretary of State a
8 list of the names and addresses of the ~~selectmen~~ selectboard members elected
9 and shall notify the ~~secretary of state~~ Secretary of State of any changes in the
10 list as filed.

11 Sec. 41. 17 V.S.A. § 2666 is amended to read:

12 § 2666. IMPROPER INFLUENCE

13 Neither the warning, the notice, the official voter information cards, nor the
14 ballot itself shall include any opinion or comment by any ~~town~~ municipal body
15 or officer or other person on any matter to be voted on.

16 Sec. 42. 17 V.S.A. § 2667 is amended to read:

17 § 2667. ACCESS TO ANNUAL MEETING

18 (a)(1) The legislative body of the municipality shall take reasonable
19 measures to ensure that voters who are elders or have a disability may
20 conveniently attend annual or special meetings; provided, however, that such

1 measures need not be taken if doing so would impose undue hardship on the
2 ~~town~~ municipality.

3 (2) Measures may include location of meetings on the ground floor of
4 buildings or providing ramps or other devices for access to meetings.

5 (b) In municipal elections using the Australian ballot system of voting,
6 subsection 2502(b) of this title shall apply.

7 (c) For the purposes of this section, the legislative body shall have full
8 jurisdiction on the day of the municipal meeting over the premises at which the
9 ~~town~~ municipal meeting is to be held.

10 Sec. 43. 17 V.S.A. § 2681 is amended to read:

11 § 2681. NOMINATIONS; PETITIONS; CONSENTS

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

17 * * *

18 (c) The ~~town~~ municipal clerk shall make petition forms and consent forms
19 available. Petition forms shall be sufficient if they are in substantially the
20 following form:

1 STATE OF VERMONT

2 County

3 The undersigned hereby petition the ~~town~~ municipal clerk and other ~~town~~
4 municipal officers of the ~~Town~~ Municipality of

5, County of

6, Vermont that

7

8 (Name of Candidate — Nominee)

9 be a nominee for election to the office of

10

11 (Name of Office)

12 at the local election to be held in the ~~town~~ municipality of the

13 day of, 20 We

14 certify that we are presently voters of that ~~town~~ municipality.

15 NAME/SIGNATURE

STREET ADDRESS

16

17

18

19

20

21

1
2

3 * * *

4 Sec. 44. 17 V.S.A. § 2681a is amended to read:

5 § 2681a. LOCAL ELECTION BALLOTS

6 (a) Ballots for local officers and local public questions shall be prepared at
7 ~~town~~ municipal expense, under the direction of the ~~town~~ municipal clerk not
8 later than 20 days before the local election. These ballots may be any color
9 and the printing shall be black; in other respects, they shall conform as nearly
10 as may be practicable to the form of the consolidated ballot in subchapter 2 of
11 chapter 51 of this title, except as otherwise provided in this section.

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

14 (2) The ~~board of civil authority~~ legislative body may vote to list a street
15 address for each candidate, or the town of residence of each candidate, or no
16 residence at all for each candidate.

17 (c) No political party or other designation shall be listed unless the
18 municipal charter provides for such listing, the ~~town~~ municipality has voted at
19 an earlier election to provide such a listing or, in the absence of previous
20 consideration of the question by the ~~town~~ municipality, the legislative body
21 decides to permit listing. If political party or other designations are permitted,

1 no candidate shall use the name of a political party whose certificate of
2 organization has been filed properly with the Secretary of State unless the
3 candidate has been endorsed by a legally called town caucus of that political
4 party for the office in question. In any event, the candidate must still file the
5 petition and consent form required by section 2681 of this title.

6 * * *

7 Sec. 45. 17 V.S.A. § 2682 is amended to read:

8 § 2682. PROCESS OF VOTING; APPOINTMENTS

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

10 (b) Returns shall be filed with the ~~town~~ municipal clerk.

11 * * *

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

17 Sec. 46. 17 V.S.A. § 2682b is amended to read:

18 § 2682b. TIE VOTES FOR LOCAL OFFICE

19 If there is a tie vote for any office, the legislative body or, in its stead, the
20 municipal clerk shall within seven days warn a runoff election to be held not
21 less than 15 days nor more than 22 days after the warning. The only

1 candidates in the runoff election shall be those who were tied in the original
2 election. However, if one of the candidates that are tied withdraws his or her
3 candidacy within five days after the election, the ~~town~~ municipal clerk shall
4 certify the other tied candidate as the winner, and there shall be no runoff
5 election.

6 Sec. 47. 17 V.S.A. § 2685a is amended to read:

7 § 2685a. PROCEDURE FOR RECOUNT

8 * * *

9 (g) Completing the tally.

10 * * *

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

14 * * *

15 (i) After the recount.

16 * * *

17 (2) The ~~town~~ municipal clerk shall send a certified copy of the ~~judgment~~
18 results to the Secretary of State.

1 Sec. 48. 17 V.S.A. § 2687 is amended to read:

2 § 2687. APPEAL TO SUPERIOR COURT

3 (a) Within five days after the declaration of the municipal clerk, an
4 aggrieved candidate may appeal to the ~~superior court by giving~~ Superior Court
5 and shall give a written notice to that effect to the other candidates ~~who~~
6 ~~appeared before the board of civil authority~~. The original of the notice shall be
7 filed with the county clerk. No entry fee shall be charged in these matters.

8 (b) The ~~superior court~~ Superior Court shall immediately issue an order
9 directing the town clerk or his or her designee to transmit to the county clerk
10 all ballots, papers, and records affecting the appeal, and fixing a time for
11 hearing in open court or before a referee not later than five days from the
12 making of the order. The order shall be served upon the town and if
13 applicable, the municipal clerk, and all other candidates ~~who have appeared~~
14 ~~before the board~~.

15 (c) A reference may be ordered upon any or all questions. At the time and
16 place so fixed, the matter shall be summarily heard and determined and the
17 costs taxed as in other civil actions.

