

**H. 477 (misc. elections corrections), As Passed by House
Section-by-Section Summary**

Sec.	Section Designation	Section Subject Matter	Description of House Amendments
*** Qualification and Registration of Voters ***			
1	17 V.S.A. § 2124	(c): Town clerk’s responsibilities in maintaining a person’s voter registration application	<ul style="list-style-type: none"> • Statute does not currently provide how long a clerk must keep an application. • Amendment provides that a clerk keep an original application – or an electronic copy – at least through the end of the general election cycle that follows the one in which the application was received.
2	17 V.S.A. § 2154	Provides a description of the Statewide Voter Checklist, and in (b), what info in the checklist is <u>not</u> considered a public record	<ul style="list-style-type: none"> • Eliminates a voter’s street address – if different from his/her mailing address – from <u>not</u> being considered a public record. • <i>Note:</i> A person may still have his or her mailing address be confidential: <ul style="list-style-type: none"> ○ In a municipal public record under E-911 (<i>see</i> 30 V.S.A. § 7059(d)); or ○ Under the Safe at Home Program (<i>see</i> 15 V.S.A. § 1152).
3	1 V.S.A. § 317	(c)(31): Info exempt from public inspection and copying under the PRA	Corresponding with Sec. 2, amends the PRA so that a person’s street address – if different from the mailing address – in the Statewide Voter Checklist would no longer be exempt from public inspection and copying.
*** Primary Elections ***			
4	17 V.S.A. § 2362	Description of a Primary ballot	<ul style="list-style-type: none"> • Eliminates reference to marking cross (since that is no longer an option, since primary ballots must be compatible with vote tabulators. • Instructs voters who vote for a write-in candidate to fill in the oval to the right of the blank line, which matches what is already provided on a primary ballot.
*** Nominations by Party Committee ***			
5	17 V.S.A. § 2381	Provides when this subchapter (re: nominations by a party committee) would apply	In (a)(1), eliminates reference to a candidate being “removed,” since there is no known process for removal of a candidate in the Vt. Const. or Title 17.
6	17 V.S.A. § 2386	Provides the deadlines for when statements of nomination by party committees must be made	<p>Restructures the section as follows:</p> <ul style="list-style-type: none"> • Subsection (a) provides the default deadline (applicable to major party committee nominations when they fail to nominate by Primary and nominations by minor parties). Under current law, this default deadline is the same as the major party primary petition filing deadline, set forth in 17 V.S.A. § 2356. <ul style="list-style-type: none"> ○ <i>Note:</i> Current law – not affected by this bill – provides that major party primary petitions and statements of nomination by major party committees <i>when there is a failure to nominate</i> are due by the same deadline. • Subsection (b) provides the special deadlines for: <ul style="list-style-type: none"> ○ (1): <u>death or</u> withdrawal of a candidate; and ○ (2): justices of the peace (this section and Secs. 7 and 8 have the effect that <u>all</u> JoP candidates have the same nomination deadline).
*** Nominations of Independent Candidates ***			
7	2014, No. 161, Sec. 17a (17 V.S.A. § 2402)	(d)(1)(B): Deadline for an independent candidate to file a statement of nomination for the office of justice of the peace	As provided in Secs. 6 and 8, makes all JoP filing deadlines be the same (third day following the primary). <ul style="list-style-type: none"> • <i>Effective date 1/1/16, in accordance with last year’s Act No. 161.</i>
*** Nominations of Justice of the Peace by Party Committee or Caucus ***			
8	17 V.S.A. § 2413	Provides the manner in which party caucuses or committees nominates candidates for justice of the peace	Cleans up this section to provide that no matter the manner in which a party nominates – by caucus or committee – the deadline to file the statement of nomination is the third day following the Primary.
*** Conduct of Elections ***			
9	17 V.S.A. § 2472	Description of General Election ballot	<p>Similar to the amendments re: the Primary ballot in Sec. 4:</p> <ul style="list-style-type: none"> • Eliminates reference to marking a cross; and • Instructs voters to fill in the oval to the right of the blank line when writing-in a candidate.

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10	17 V.S.A. § 2474	Requirements to notify the Sec. of State of party choice when a candidate is nominated by more than one party	<ul style="list-style-type: none"> Moves all notifications to the 10th day following the Primary (rather than the Friday following it). Time wise, for Statewide candidates under (b), the State office canvassing committee doesn't meet until the week after the Primary election via 17 V.S.A. § 2368.
11	2014, No. 161, Sec. 74(4) (effective dates)	Effective date section from last year's misc. elections corrections act	Just corrects a cross-reference in the effective date section of last year's act to a statute within that act (§ 2491, not § 2941).
12	17 V.S.A. § 2493	Rules for the use of vote tabulators and audits	<ul style="list-style-type: none"> (a)(3)(A): Sec. of State would not be required to conduct a random postelection audit following a Primary election. (c): The same vote tabulator memory card used in an election could not be used in a recount of that election.
13	17 V.S.A. § 2532	Application form for early or absentee voters, with (c) specifically re: applications for people who are not yet registered to vote	<ul style="list-style-type: none"> Specifies that the voter registration application and the early voter absentee ballots are sent directly to the person wishing to vote, <u>not</u> the "person who has applied," which could be a different person who was authorized by the would-be voter to apply on his or her behalf.
14	17 V.S.A. § 2547	Action necessary for defective early voter absentee ballots	Eliminates reference to unvoted portions of a Primary ballot, which is outdated language from when all candidates of all parties were on one Primary ballot.
15	17 V.S.A. § 2566	Description of what voters must do with their ballots at the polling place	<ul style="list-style-type: none"> Cleans up language (ex.: substitutes "proceed" for "retire alone"). Eliminates reference to placing a cross, in accordance with changes made in Secs. 4 and 9. Provides that voters need to fill in the square or oval to the right of a write-in candidate. Eliminates restriction that voters can't occupy a voting booth for more than five minutes when there are other voters waiting.
16	17 V.S.A. § 2569	Providing assistance to voters at the polls	Eliminates reference to voters registering their votes on a machine.
17	17 V.S.A. § 2570	Description of how voters should deposit their completed ballots	<ul style="list-style-type: none"> Eliminates an outdated reference in (a) to perforations on Primary ballots; Eliminates the requirement to fold ballots; and Adds reference to depositing ballots in a vote tabulator.
17a	17 V.S.A. § 2587	Provides the rules for counting ballots	In accordance with the changes in Secs. 4, 9, and 15 – re: no longer marking a cross, but filling in the oval to the right of a write-in candidate – provides that even if the voter did not fill in that oval, providing a write-in candidate's name on the ballot shall constitute a vote for that candidate.
18	17 V.S.A. § 2588	(c): Town clerk obligations in election night reporting to the Sec. of State	New intro of subsection (c) makes it clear that election night reporting only applies to Primary and General Elections.
19	2014, No. 161, Sec. 41 (17 V.S.A. § 2593)	When a town clerk must enter a voter's participation on the Statewide Voter Checklist after specified elections	<p>Makes this section applicable to annual town meetings, in addition to current law's Primaries, Presidential Primaries, and General Elections.</p> <ul style="list-style-type: none"> <i>Effective date of 7/1/15, in accordance with last year's Act No. 161.</i>
*** Recounts ***			
20	17 V.S.A. § 2602b	County clerk's supervision duties during a recount	Requires county clerks to consult with the Sec. of State to identify the vote tabulators to be used.
21	17 V.S.A. § 2602e	Sorting of ballots into piles of 50 for a recount	Repeals this section because vote tabulators are now used for recounts, and a vote tabulator will count the number of ballots.
22	17 V.S.A. § 2602f	Description of the process of feeding recount ballots through a vote tabulator	In accordance with Sec. 21, substitutes reference to the container the ballots come in, rather than piles of ballots.

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* * * Local Elections * * *			
23	17 V.S.A. § 2642	Warning and notice contents for local elections, with (a)(3) specifically re: articles requested by petition	<ul style="list-style-type: none"> • (a)(3)(A): Requires that voter petitions need to be filed 47 days before the local meeting – rather than 45 days before – because 45 days prior to a standard annual meeting turns out to be a Saturday. • (a)(3)(B): <ul style="list-style-type: none"> ○ Specifies what a clerk’s duties are in examining these petitions (rather than that they “conform to the provisions of this subchapter”); and ○ Clarifies that a petitioner can file a supplementary petition 48 hours after the clerk returns it <u>or</u> the filing deadline, whichever is later (for those petitioners who have filed ahead of the original filing deadline). • (a)(3)(C): Specifies what a petition can and must contain. The required info helps validate a petition. • (a)(3)(D): Enables voters to withdraw from a petition before a majority of the legislative body signs the warning.
24	17 V.S.A. § 2643	Provisions regarding warning a special municipal meeting	<ul style="list-style-type: none"> • Extends the time a special meeting must be warned from 15 to 60, which enables towns to hold a special meeting at a regularly-scheduled meeting, such as a Primary. • Enables voters to withdraw from a petition for a special meeting, as provided in Sec. 23.
25	17 V.S.A. § 2664	Provisions regarding a town’s budget vote	Requires a town’s budget vote to happen at its annual meeting.
26	17 V.S.A. § 2680	(c)(2): Provisions relating to revised budget votes by Australian ballot, when an original budget has been rejected	<ul style="list-style-type: none"> • Current law requires that a revised budget vote must take place at the same location as the original budget vote. • The amendment provides that if that polling place is not available, the vote can be held at a different location, but there must be notice posted of that meeting location at the original location.
27	17 V.S.A. § 2681	Petitions to nominate municipal officers	<ul style="list-style-type: none"> • (a)(1)(B): Requires a candidate to be registered to vote in the town s/he seeks office at or before the time s/he files the nominating petition. • (e): Clarifies that supplemental petitions will not be accepted if the requisite number of signatures were not submitted by the <u>original</u> petition filing deadline.
28	17 V.S.A. § 2685	Conducting a local recount	<ul style="list-style-type: none"> • Current law provides that local recounts are conducted by hand, unless the petitioning candidate requests that a recount be conducted by vote tabulator. • The amendment restructures this section to provide under (a)(2) that a recount can be conducted by vote tabulator <i>if the ballot is able to be read by a vote tabulator, and:</i> <ul style="list-style-type: none"> ○ (A): the candidate requests it be conducted by tabulator; ○ (B): the BCA has previously voted to require the municipality to conduct recounts by tabulator; <u>or</u> ○ (C): the municipality has previously voted to require recounts be conducted by tabulator.
* * * Presidential Elections * * *			
29	17 V.S.A. § 2703	Examining nominating petitions for major party candidates for President	<ul style="list-style-type: none"> • 17 V.S.A. § 2702 provides the filing deadline for presidential nominations is the 1st Monday after the 1st Tuesday in January. That deadline was changed from the “third Monday of January” in 2011. • However, this § 2703 language re: supplementary petitions wasn’t amended in accordance with the 2011 amendment to § 2702, effectively allowing a petitioner to file an insufficient number of signatures by the original filing deadline and have extra time to make up for it. • This amendment corrects that error by requiring the requisite number of signature by the original filing deadline.

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* * * Campaign Finance * * *			
30	17 V.S.A. § 2905	Adjustments for inflation	Specifies the CPI used for inflation adjustments is the Northeast Region CPI.
31	17 V.S.A. § 2941	(a)(6): Aggregate contribution limits	<ul style="list-style-type: none"> Last year's campaign finance act provided a contingent effective date for aggregate limits (ie., the overall amount a single source can contribute to candidates and to PACs), whereby those limits would not take effect if <i>McCutcheon v. FEC</i> held they were unconstitutional. Since that was the holding of <i>McCutcheon</i>, this provision can be repealed, since it will never take effect.
32	17 V.S.A. § 2961	Deadline to file campaign finance reports with the Sec. of State	<ul style="list-style-type: none"> 17 V.S.A. § 2103(13) (general definitions for T.17; definition of "file") provides that if a filing deadline falls on a Sat., Sun., or legal holiday, the filing deadline is automatically extended to the next day that is not a Sat., Sun., or legal holiday. Because of the ability to file online, this amendment would require that a campaign finance report must be filed on or before the filing deadline specified.
33	17 V.S.A. § 2962	General provisions re: campaign finance reports	Eliminates unnecessary language re: the Sec. of State retaining reports in an indexed file that is subject to examination by any person, since 17 V.S.A. § 2961 provides all reports are filed and maintained online.
34	17 V.S.A. § 2963	Information required in campaign finance reports	(a)(2): Rather than the <i>total number</i> of contributions of \$100 or less, the amendment would require the total number of <i>all contributors</i> making those contributions, which helps show how big those contributions are on average (ex.: \$1,000 from 10 contributors) or if there is an error (ex.: \$1,000 from five contributors).
35	17 V.S.A. § 2964	Report filing deadlines	<ul style="list-style-type: none"> In (a)(1)(B)(iv) and (a)(2)(B)(iv), Nov. 1 could be the day before the General Election. Making it the Friday before the General Election provides a standard amount of time prior to that election.
36	17 V.S.A. § 2965	(b)(1): PAC end-of-cycle reports	<ul style="list-style-type: none"> Under current law, PACs only have to file a final report at the end of an election cycle if it will terminate their campaign activities. This amendment would require PACs to file an end-of-cycle report, which should help distinguish between old and new cycles, since contribution limits reset for each new cycle.
37	17 V.S.A. § 2971	Mass media activity report requirements (when a person makes an expenditure for a mass media activity totaling \$500 or more within 45 days before an election)	<ul style="list-style-type: none"> (c): Current law contains an apparent incongruent reference to activities occurring 30 days before an election that were already reported; the amendment changes 30 to 45. (d)(2): Specifies that IE-only PACs – when sending a copy of such a report to a candidate – must send the copy by email (if one is on file), as is provided for standard mass media activity reports under (a)(2).
* * * Town Reports * * *			
38	24 V.S.A. § 1682	Distribution of town reports	<ul style="list-style-type: none"> (a): Current law provides a town with the choice to mail, distribute, or make available the town report to "voters or residents." This choice has reportedly caused confusion in some towns. (Voters have to be residents, but not all residents are voters.) The amendments in (a)(1), (2), and (4) specify the report must be mailed, distributed, or made available to voters. <ul style="list-style-type: none"> However, (a)(3) still allows a voter or resident to request a copy to be mailed or distributed to him or her.
39	24 V.S.A. § 1683	Contents of town report and municipal fiscal years	Adds "municipal fiscal years" to the statutory heading to provide a better description of the statute's subject matter.
* * * Effective Dates * * *			
40	Effective Dates	Effective dates for the bill	<p>Amendments effective on passage, except, in accordance with last year's Act No. 141:</p> <ul style="list-style-type: none"> Sec. 7 (re: deadline for an independent candidate to file a statement of nomination for the office of justice of the peace) would take effect on 1/1/16; and Sec. 19 (re: a town clerk entering a voter's participation on the Statewide Voter Checklist after an annual town meeting) would take effect on 7/1/15.