

S.234 Issues for SGO Consideration

Sec. 1, 17 V.S.A. § 2361 (consent of candidate)

- This section sets forth the consent form for candidates for non-local offices who file a petition to be placed on the primary ballot. Under subsection (a), the Sec. of State is required to prepare this form.
- Under subdiv. (b)(1) on pg. 1, lines 15 and 16, this consent form would now require a “statement that the candidate meets the constitutional qualifications for the office.”
- Subdiv. (b)(2), starting on pg. 1, line 17, would define the constitutional qualifications for the office.

QUESTIONS:

- Pg. 1, lines 17-18; “a candidate meets the constitutional qualifications for the office if he or she is registered to vote in the State”:
 - Okay that this bill would provide that **being registered to vote** is a constitutional qualification for *any* candidate for *any* non-local office?
 - This is in light of Vt. Const. Ch. I, Art. 8 (“ . . . all voters . . . have a right to . . . be elected into office . . .”).
- Pg. 1, line 18 – pg. 2, line 2; “and, if he or she is a candidate for any of the following offices, **has been registered to vote in this State and has not been registered to vote in another state for the constitutional period the candidate was required to reside in the State,** as described in this subdivision for each of those offices”:
 - For Gov., Lt. Gov., Treasurer, and Legislator, **does the language in bold meet committee intent?**
- Pg. 2, lines 3-5 (Gov. and Lt. Gov. “resided” qualifications):
 - **Four consecutive years immediately preceding election** okay?
 - (“immediately preceding” seems to be synonymous with Vt. Const. Ch. II, § 23’s “next preceding”)
- Pg. 2, lines 6-8 (Treasurer “residence” qualifications):
 - **Two consecutive years immediately preceding election** okay?
- Pg. 2, lines 9-10 (Legislator “resided” qualifications):
 - **Two consecutive years immediately preceding election** okay?

Sec. 2, 17 V.S.A. § 2385 (statement by committee officers; consent of candidate)

- This section sets forth the consent form for candidates for non-local offices who are nominated by party committee rather than at the primary, as well as candidates for justice of the peace.
- Under subsection (d), starting on pg. 2, line 20, such a candidate must file a consent to have his or her name placed on the general election ballot. Such a consent may be either:
 - Under subdiv. (1), a consent similar to the one set forth in Sec. 1 of the bill; or
 - Under subdiv. (2), be a statement setting forth the info required in this subdiv.

- **QUESTIONS** re: Pg. 3, lines 10-11:

- Okay that such a candidate **would have to write out this additional info?**
- *But*, okay that this statement **doesn't get into the specific constitutional qualifications for the offices** of Gov., Lt. Gov., Treasurer, and Legislator as described in Sec. 1?

Sec. 3 (effective date)

- **QUESTION:** Should the effective date change to *on passage* or even *1/1/17*?
 - Consents set forth in Sec. 1's 17 V.S.A. § 2361 must be filed on or before the day primary petitions are due (*see* subsection (c)).
 - Via [17 V.S.A. § 2356](#), this means they must be filed **April 25, 2016** through **May 26, 2016**. Therefore, a July 1, 2016 effective date won't apply to most candidates.
 - But, if the effective date is changed to *on passage*, there is a chance this requirement would take effect after some consents have already been filed, and Sec. of State would have to have revised consent forms available mid-stream.
 - Consents set forth in Sec. 2's 17 V.S.A. § 2385 must be filed before the last day for filing statements of nomination (*see* subdiv. (d)(1)).
 - Via [17 V.S.A. § 2386](#), this deadline varies:
 - (a): For a major party's failure to nominate, the deadline is **August 15, 2016**.
 - (b): In the case of death or withdrawal, it's seven days after that event, but no later than **September 9, 2016**.
 - (c): For nominations by minor parties, the deadline is **April 25, 2016** through **May 26, 2016** (same deadline as for Sec. 1 consents).
 - (d): For justices of the peace, it's **August 12, 2016**.