

1

H.514

2

Introduced by Committee on Government Operations

3

Date:

4

Subject: Elections; miscellaneous

5

Statement of purpose of bill as introduced: This bill proposes to make

6

miscellaneous elections corrections.

7

An act relating to elections corrections

8

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

9

* * * Definitions * * *

10

Sec. 1. 17 V.S.A. § 2103 is amended to read:

11

§ 2103. DEFINITIONS

12

As used in this title, unless the context or a specific definition requires a

13

different reading:

14

* * *

15

(10) “County officer” means judge of Probate, assistant judge of the

16

Superior Court, State’s Attorney, sheriff, and high bailiff, ~~and justice of the~~

17

~~peace.~~

18

* * *

19

(18)(A) “Local election” means any election ~~which~~ that deals with the

20

selection of persons to fill public office or the settling of public questions

1 solely within a single municipality.

2 (B) “Local election” also means an election to settle a public question
3 in several municipalities, in which the municipalities must unanimously concur
4 if the question is to be approved.

5 (C) The election of a ~~representative~~ Representative to the General
6 Assembly is not a “local election.”

7 * * *

8 * * * Registration of Voters * * *

9 Sec. 2. 17 V.S.A. § 2141 is amended to read:

10 § 2141. POSTING OF CHECKLIST

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

18 * * *

19 Sec. 3. 17 V.S.A. § 2154 is amended to read:

20 § 2154. STATEWIDE VOTER CHECKLIST

21 * * *

22 (b) A registered voter’s month and day of birth, driver’s license or

1 nondriver identification number, e-mail address, and the last four digits of the
2 applicant's his or her Social Security number shall be kept confidential and are
3 exempt from public copying and inspection under the Public Records Act.

4 (c) Any person wishing to obtain a copy of all of the statewide voter
5 checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A.
6 chapter 65, that the person will not use the checklist for commercial purposes.
7 The affirmation shall be filed with the Secretary of State.

8 * * *

9 (e)(d) ~~No~~ An elections official ~~may~~ shall not access the portion of the
10 statewide voter checklist that is exempt from public inspection pursuant to
11 1 V.S.A. § 317(c)(31), except for elections purposes.

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

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

15 * * *

16 (31) Records of a registered voter's month and day of birth, ~~motor~~
17 ~~vehicle operator's~~ driver's license or nondriver identification number, e-mail
18 address, and the last four digits of ~~the applicant's~~ his or her Social Security
19 number contained in an application to the statewide voter checklist or the
20 statewide voter checklist established under 17 V.S.A. § 2154 or the failure to
21 register to vote under 17 V.S.A. § 2145a.

22 * * *

1 candidate for nomination by any major political party for any office indicated,
2 if petitions containing the requisite number of signatures made by ~~legal~~
3 registered voters, in substantially the following form, are filed with the proper
4 official, together with the person's written consent to having his or her name
5 printed on the ballot:

6 I join in a petition to place on the primary ballot of the
7 party the name of, whose residence is in the (city),
8 (town) of in the county of, for the office of
9 to be voted for on Tuesday, the day of August, 20
10; and I certify that I am at the present time a registered voter and am
11 qualified to vote for a candidate for this office.

12 (b)(1) A person's name shall not be listed as a candidate on the primary
13 ballot of more than one party in the same election.

14 (2) A person shall file a separate petition for each office for which he or
15 she seeks to be a candidate.

16 Sec. 7. 17 V.S.A. § 2354 is amended to read:

17 § 2354. SIGNING PETITIONS

18 (a) Any number of voters may sign the same petition.

19 (b)(1) A voter's signature shall not be valid unless at the time he or she
20 signs, the voter is registered and qualified to vote for the candidate whose
21 petition he or she signs.

22 (2) Each voter shall indicate his or her town of residence next to his

1 signature.

2 (c) The signature of a voter on a candidate's petition does not necessarily
3 indicate that the voter supports the candidate. ~~A voter shall not sign more than~~
4 ~~one petition for the same office, unless more than one nomination is to be~~
5 ~~made, in which case he or she may sign as many petitions as there are~~
6 ~~nominations to be made for the same office.~~

7 (d) A petition shall contain the name of only one candidate.

8 Sec. 8. 17 V.S.A. § 2356 is amended to read:

9 § 2356. TIME FOR FILING PETITIONS AND STATEMENTS OF
10 NOMINATION

11 (a) Primary petitions for major party candidates and statements of
12 nomination for minor party and independent candidates shall be filed ~~no~~ not
13 sooner than the fourth Monday in April and not later than 5:00 p.m. on the
14 fourth Thursday after the first Monday in May preceding the primary election
15 prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the
16 62nd day prior to the day of a special primary election.

17 (b) A petition or statement of nomination shall apply only to the election
18 cycle in which the petition or statement of nomination is filed.

19 Sec. 9. 17 V.S.A. § 2361 is amended to read:

20 § 2361. CONSENT OF CANDIDATE

21 (a) A candidate for whom petitions containing sufficient valid signatures
22 have been filed shall file with the official with whom the petitions were filed a
23 consent to the printing of the candidate's name on the ballot. The ~~secretary of~~

1 state Secretary of State shall prepare and furnish forms for this purpose.

2 (b)(1) The consent shall set forth the name of the candidate, as the
3 candidate wishes to have it printed on the ballot, the candidate's town of
4 residence, and correct mailing address.

5 (2) If a candidate wishes to use a nickname, the format on the ballot
6 shall be the candidate's first name, the nickname set off in quotations, and the
7 candidate's last name.

8 (3) Professional titles such as "Dr.," "Esq.," or "CPA" shall not be used
9 as part of a candidate's name on the ballot.

10 (c) The consent shall be filed on or before the day petitions are due. Unless
11 a consent is filed, the candidate's name shall not be printed on the primary
12 ballot.

13 Sec. 10. 17 V.S.A. § 2362 is amended to read:

14 § 2362. PRIMARY BALLOTS

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

21 OFFICIAL VERMONT PRIMARY ELECTION BALLOT

22 VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT

1 BOX OR VOTE TABULATOR

2 ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED

3 BALLOT BOX

4 _____

5 [MAJOR POLITICAL PARTY NAME]

6 _____

7 Instructions to voters: Use black pen or pencil to fill in the oval. To vote for a
8 candidate person whose name is printed on the ballot, fill in the oval at to the
9 right of ~~that person's name~~ the name of that person. To vote for a candidate
10 person whose name is not printed on the ballot, write or stick his or her the
11 person's name on in the blank line in the appropriate block and space provided
12 and fill in the oval to the right of that blank line the write-in space. Do not
13 vote for more candidates than the "Vote for Not More Than" number for an
14 office. If you make a mistake, tear, or deface the ballot, return it to an election
15 official and obtain another ballot. Do not erase. ~~When there are two or more~~
16 ~~persons to be elected to one office, you may vote for any number of candidates~~
17 ~~up to and including the maximum number.~~

18 * * *

19 Sec. 11. 17 V.S.A. § 2363 is amended to read:

20 § 2363. ~~SEPARATE PARTY BALLOTS~~ VOTER'S CHOICE OF PARTY

21 (a) ~~The names of all candidates of a party shall be printed upon one ballot.~~

22 ~~Each section shall bear in print larger than any other print on the ballot the~~

1 ~~words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID~~
2 ~~in a prominent place on the ballot.~~ The A voter shall vote for the candidates of
3 one party only. A person voting at the primary shall not be required to
4 indicate his or her party choice to any election official.

5 (b) [Repealed.]

6 Sec. 12. 17 V.S.A. § 2369 is amended to read:

7 § 2369. DETERMINING WINNER; TIE VOTES

8 (a) A person who receives a plurality of all the votes cast by a party in a
9 primary shall be a candidate of that party for the office designated on the
10 ballot.

11 (b)(1) If, after the period for requesting a recount under section 2602 of
12 this title has expired, no candidate has requested a recount and two or more
13 candidates of the same party are tied for the same office, the choice among
14 those tied shall be determined upon five days' notice and not later than 10 days
15 following the primary election by the committee of that party, which shall
16 meet to nominate a candidate from among the tied candidates. The committee
17 that nominates a candidate shall be as follows:

18 ~~(1)~~(A) the State committee of a party for a State or congressional office;

19 ~~(2)~~(B) the senatorial district committee for State Senate;

20 ~~(3)~~(C) the county committee for county office; or

21 ~~(4)~~(D) the representative district committee for a Representative to the

22 General Assembly.

1 (e)(2) The committee chair shall certify the candidate nomination for the
2 general election to the Secretary of State within 48 hours of the nomination.

3 * * * Nominations by Party Committee * * *

4 Sec. 13. 17 V.S.A. § 2381 is amended to read:

5 § 2381. APPLICABILITY OF SUBCHAPTER

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

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

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

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

18 * * *

19 Sec. 14. 17 V.S.A. § 2382 is amended to read:

20 § 2382. WHICH COMMITTEE TO NOMINATE

21 Nominations of party candidates pursuant to this subchapter shall be made
22 by the following political committee of the party:

1 (1) The name of the office for which the nomination is made.

2 (2) The candidate's name and residence.

3 (3) If desired, a name, or other identification (in not more than three
4 words) to be printed on the ballot following the candidate's name.

5 (4) In the case of nomination for President or Vice President of the
6 United States, ~~the~~:

7 (A) The name and state of residence of each candidate for such
8 office, together with the name, town of residence, and correct mailing address
9 of each nominee for the office of elector.

10 (B)(i) The original statement of nomination shall include a
11 certification by the town clerk of each town where the signers appear to be
12 voters that the persons whose names appear as signers of the statement are
13 registered voters in the town and of the total number of valid signers from the
14 town.

15 (ii) Only the number of signers certified as registered voters by
16 each town clerk on the original statement of nomination forms shall count
17 toward the required number of signatures.

18 (C) The statement shall also be accompanied by a consent form from
19 each nominee for elector. The consent form shall be similar to the consent
20 form prescribed in section 2361 of this title.

21 * * *

22 (d)(1) A statement of nomination and a completed and signed consent form

1 shall be filed:

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

6 (B) in the case of nomination for justice of the peace, ~~no~~ not earlier
7 than the fourth Monday in April and not later than 5:00 p.m. on the third day
8 following the primary election; or

9 (C) in the case of any other independent candidate, ~~no sooner than~~
10 ~~the fourth Monday in April and not later than 5:00 p.m. on the Thursday~~
11 ~~preceding the primary election prescribed by section 2351 of this chapter, and~~
12 ~~not later than 5:00 p.m. of the third day prior to the day of a special primary~~
13 ~~election~~ in accordance with section 2356 of this chapter.

14 (2) ~~No~~ A public official receiving nominations shall not accept a
15 petition unless a completed and signed consent form is filed at the same time.

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

18 (e) The Secretary of State shall prescribe and furnish forms for a statement
19 of nomination.

20 (f) In the event that an independent vice presidential candidate withdraws
21 in accordance with section 2412 of this chapter, the presidential candidate may
22 submit to the Secretary of State on or before the ballot printing deadline a new

1 consent form signed by the presidential candidate and his or her new vice
2 presidential candidate.

3 Sec. 17. 17 V.S.A. § 2403 is amended to read:

4 § 2403. NUMBER OF CANDIDATES; PARTY NAMES

5 (a) A statement of nomination shall contain the name of only one
6 candidate, except in the case of presidential and ~~vice-presidential~~ vice
7 presidential candidates, who may be nominated by means of the same
8 statement of nomination. ~~A person shall not sign more than one statement of~~
9 ~~nomination for the same office.~~

10 (b)(1) The political or other name on a statement of nomination shall be
11 substantially different from the name of any organized political party. It shall
12 also be substantially different from the political or other name already
13 appearing on any other statement of nomination for the same office then on
14 file with the same officer for the same election; ~~if~~.

15 (2) ~~If the secretary of state~~ Secretary of State determines that it is not
16 substantially different, the candidate named on the statement shall select a
17 different political or other name, otherwise the ~~secretary~~ Secretary ~~may reject~~
18 ~~the statement of nomination~~ shall print the word “Independent” on the ballot
19 for that candidate.

20 (c)(1) Except in the case of presidential and vice presidential candidates,
21 the word “independent” may not be used as part of a party name; ~~if~~.

22 (2) If no party is indicated, the word “Independent” shall be printed on

1 the ballot, ~~and no.~~

2 (3) A candidate appearing on the ballot as a candidate of a political
3 party shall not also appear on the ballot as an “Independent.”

4 * * * Nominations; Miscellaneous * * *

5 Sec. 18. 17 V.S.A. § 2412 is amended to read:

6 § 2412. WITHDRAWAL OF CANDIDACY

7 (a)(1) A candidate who has been validly nominated by one of the methods
8 prescribed in this chapter shall have a right to withdraw his or her candidacy
9 up until 5:00 p.m. on the ~~third~~ tenth day following the primary by filing a
10 written notice of withdrawal with the town clerk in the case of a candidate for
11 justice of the peace, and with the ~~secretary of state~~ Secretary of State in the
12 case of all other offices.

13 (2) The name of a candidate who has withdrawn in accordance with the
14 provisions of this subsection shall not be printed on the ballot.

15 (b) After ~~that~~ the date described in subdivision (a)(1) of this section, if the
16 candidate has filed a written notice of withdrawal, the town clerk or ~~secretary~~
17 ~~of state~~ Secretary of State may still remove the candidate’s name from the
18 ballot up until the printing deadline.

19 Sec. 19. 17 V.S.A. § 2472 is amended to read:

20 § 2472. CONTENTS

21 * * *

22 (b)(1) Each office to be voted upon shall be separately indicated and

1 preceded by the word “For,” as: “For United States Senator.” Beneath the
2 office to be voted upon shall appear the instructions: “Vote for not more than
3 (the number of candidates to be elected).”

4 (2) The names of the candidates for each office shall be listed in
5 alphabetical order by surname, followed by the candidate’s town of residence,
6 and the party or parties by which the candidate has been nominated, or in the
7 case of independent candidates who have not chosen some other name or
8 identification, by the word “Independent.” The word “party” shall not be
9 printed on the ballot following a candidate’s party name.

10 * * *

11 * * * Election Officials * * *

12 Sec. 20. 17 V.S.A. § 2455 is amended to read:

13 § 2455. ~~DUTIES OF ELECTION OFFICIALS; DUTIES; POLITICAL~~
14 PARTY REPRESENTATION

15 (a) The assistant election officers, together with the presiding officer and
16 the board of civil authority, shall constitute the election officials.

17 (b) Except as may be specifically provided in this title, the presiding
18 officer shall notify each election official of the hours when he or she shall be
19 present to work at the polls and of the duties assigned to each election official.

(c) When the provisions of this title require two or more elections officials
of different political parties to perform an act, that political party
representation requirement shall ~~be to the extent practicable under the~~

~~circumstances~~ *not be required if attempts to conform to it were not successful
and those attempts were documented by the presiding officer.*

* * * Vote Tabulators * * *

1
2 Sec. 21. 17 V.S.A. § 2491 is amended to read:

3 § 2491. POLITICAL SUBDIVISION; VOTE TABULATORS

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

10 (b) A town with 1,000 or more registered voters as of December 31 in an
11 even-numbered years year shall use vote tabulators for the registering and
12 counting of votes in subsequent general elections.

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

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

18 (B) annual maintenance costs of vote tabulators for each town; and

19 (C) the first \$500.00 of the first pair of a vote tabulator's memory
20 cards' configuration costs for each primary and general election.

1 (2) A town shall pay the remainder of any cost not covered by
2 subdivision (1) of this subsection.

3 Sec. 22. 17 V.S.A. § 2508 is amended to read:

4 § 2508. CAMPAIGNING DURING POLLING HOURS; VOTER ACCESS

5 (a)(1) The presiding officer shall ~~insure~~ ensure during polling hours on the
6 day of the election that:

7 ~~(1)~~(A) Within the building containing a polling place, no campaign
8 literature, stickers, buttons, name stamps, information on write-in candidates,
9 or other political materials are displayed, placed, handed out, or allowed to
10 remain; ~~and~~

11 ~~(2)~~(B) Within the building containing a polling place, no candidate,
12 election official, or other person distributes election materials, solicits voters
13 regarding an item or candidate on the ballot, or otherwise campaigns; and

14 ~~(3)~~(C) On the walks and driveways leading to a building in which a
15 polling place is located, no candidate or other person ~~may~~ physically ~~interfere~~
16 interferes with the progress of a voter to and from the polling place.

17 (2) The provisions of subdivision (1) of this subsection shall apply to
18 the town clerk's office during any period of early or absentee voting.

19 (b) During polling hours, the presiding officer shall control the placement
20 of signs on the property of the polling place in a fair manner.

21 (c) The provisions of this section shall be posted in the notice required by
22 section 2521 of this title.

1 absentee ballot by telephone, in person, or in writing. "Family member" here
2 means a person's spouse, children, brothers, sisters, parents, spouse's parents,
3 grandparents, and spouse's grandparents. Any other authorized person may
4 apply in writing or in person; provided, however, that voter authorization to
5 such a person shall not be given by robotic phone call or by e-mail.

6 (2) The application shall be in substantially the following form:

7 REQUEST FOR EARLY VOTER ABSENTEE BALLOT

8 Name of early or absentee voter: _____

9 Voter's Town of Residence: _____

10 Current physical address (address where you reside): _____

11 Residence (if different): _____

12 Telephone Number: _____ E-mail Address: _____

13 Date: _____

14 I request early voter absentee ballot(s) for the election(s) checked below:

15 (1) Annual Town Meeting;

16 (2) All other local elections;

17 (3) August Primary Election;

18 (4) Presidential Primary (YOU MUST SELECT PARTY);

19 (5) November General Election

20 Please deliver the ballot(s) as indicated below (check one):

21 (1) Mail to voter at: _____

22 _____
Street or P.O. Box Town/City State Zip Code

1 early voter absentee ballots and envelopes rather than having them mailed as
2 required by section 2539 of this title. In this case, the clerk shall furnish the
3 early voter absentee ballots and envelopes when a valid application has been
4 made. The voter may mark his or her ballots, ~~seal~~ place them in the envelope,
5 sign the certificate, and return the ballots in the ~~sealed~~ envelope containing the
6 certificate to the town clerk or an assistant town clerk, without leaving the
7 office of the town clerk, or the voter may take the ballots and return them to
8 the town clerk in the same manner as if the ballots had been received by mail.
9 No person, except justices of the peace as provided in section 2538 of this title,
10 may take any ballot from the town clerk on behalf of any other person.

11 Sec. 26. 17 V.S.A. § 2540 is amended to read:

12 § 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

13 (a) The town clerk shall send with all early voter absentee ballots and
14 envelopes printed instructions, which may be included on the envelope, in
15 substantially the following form:

16 INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

- 17 1. Mark the ballots.
- 18 2. ~~Seal~~ Place them in this envelope.
- 19 3. Fill out and sign the certificate on the envelope.
- 20 4. Mail or deliver the ~~sealed~~ envelope containing the ballots to the town
21 clerk of the town where you are a registered voter in time to arrive ~~no~~ not later
22 than election day.

1 Note: If these ballots have been brought to you personally by two justices
2 of the peace because of your illness or physical disability, just return them to
3 the justices after you have ~~sealed and~~ signed the envelope. YOU HAVE THE
4 RIGHT TO MARK YOUR BALLOTS IN PRIVATE - but if you ask for
5 help in filling out the ballots, they will give it to you.
6 BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS
7 ENVELOPE OR YOUR VOTE WILL NOT COUNT!

8 * * *

9 Sec. 27. 17 V.S.A. § 2543 is amended to read:

10 § 2543. RETURN OF BALLOTS

11 (a) After marking the ballots and signing the certificate on the envelope,
12 the early or absentee voter to whom the same are addressed shall return the
13 ballots to the clerk of the town in which he or she is a voter, in the manner
14 prescribed, except that in the case of a voter to whom ballots are delivered by
15 justices, the ballots shall be returned to the justices calling upon him or her,
16 and they shall deliver them to the town clerk.

17 (b) Once an early voter absentee ballot has been returned to the clerk in the
18 ~~sealed~~ envelope with the signed certificate, it shall be stored in a secure place
19 and shall not be returned to the voter for any reason.

20 (c) If a ballot includes more than one page, the early or absentee voter need
21 only return the page upon which the voter has marked his or her vote.

22 (d)(1) All early voter absentee ballots returned ~~to the clerk before the polls~~

1 ~~close on election day~~ as follows shall be counted:

2 (A) by any means, to the town clerk's office before the close of
3 business on the day preceding the election;

4 (B) by mail, to the town clerk's office before the close of the polls on
5 the day of the election; and

6 (C) by hand delivery to the presiding officer at the voter's polling
7 place.

8 (2) An early voter absentee ballot returned in a manner other than those
9 set forth in subdivision (1) of this subsection shall not be counted.

10 Sec. 28. 17 V.S.A. § 2546 is amended to read:

11 § 2546. DEPOSIT OF EARLY VOTER ABSENTEE BALLOTS IN
12 BALLOT BOX OR VOTE TABULATOR

13 (a)(1)(A) ~~No sooner~~ Not earlier than 30 days before the opening of polls on
14 election day, the town clerk of a municipality with at least 300 registered
15 voters ~~on its checklist~~ may direct two election officials working together to do
16 all of the following:

17 (1) open the outside envelope ~~in order to~~ and sort early voter absentee
18 ballots by ward and district, ~~may data enter the return of the ballots by the~~
19 voter, may if necessary;

20 (2) determine that the certificate has been properly completed and
21 signed;

22 (3) check the name of the early voter off the entrance checklist; and may

1 ~~(4) place the inside certificate envelopes in various secure containers~~
2 ~~into a secure container marked “checked in early voter absentee ballots” to be~~
3 ~~transported to the polling places on election day.~~

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

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

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

18 (b) The town clerk or presiding officer shall deliver the unopened early
19 voter absentee ballots to the election officials at the place where the entrance
20 checklist is located. Upon the opening of the polls on election day:

21 (1) If the ballots are in a container marked “checked in early voter
22 absentee ballots,” ~~two one election officials from different political parties~~

1 official shall open the certificate envelopes, turn the certificate side face down,
2 and hand the envelope face down to a second election official from a different
3 political party, who shall remove the ballots from the envelopes and deposit
4 the ballots into them in the ballot box or into the vote tabulator.

5 (2) If the ballots have not been previously checked off the entrance
6 checklist and if ~~an~~ two election official ~~determines~~ officials, from different
7 political parties, determine that the certificate on the envelope is properly
8 completed and signed by the early voter, the name of the early voter appears
9 on the checklist, and the early voter is not a first-time voter in the municipality
10 who registered by mail and is marked on the checklist as requiring additional
11 documentation, the election ~~official~~ officials shall mark the checklist, open the
12 ~~envelope~~ certificate envelope, turn the certificate side face down, and hand the
13 envelope face down to a third election official who shall remove the ballots
14 from the envelopes and deposit the ballot ballots in the proper ballot box or
15 vote tabulator.

16 (3)(A) If the early voter is a first-time voter who registered by mail, the
17 two election official officials from different political parties shall determine
18 whether the identification required under subdivision 2563(1) of this title has
19 been submitted by the voter. Upon ascertaining that the proper identification
20 has been submitted by the voter, the election ~~official~~ officials shall mark the
21 checklist, open the certificate envelope, turn the certificate side face down, and
22 hand the envelope face down to a third election official who shall remove the

1 ballots from the envelopes and deposit the ballot in the proper ballot box or
2 vote tabulator.

3 (B) If the proper identification has not been submitted, the ballot
4 shall be treated as a provisional ballot, as provided in subchapter 6A of this
5 chapter.

6 (c) All early voter absentee ballots shall be commingled with the ballots of
7 voters who have voted in person.

8 Sec. 29. 17 V.S.A. § 2546a is amended to read:

9 § 2546a. DAY PRECEDING ELECTION; DEPOSIT OF EARLY VOTER
10 ABSENTEE BALLOTS IN VOTE TABULATOR

11 * * *

12 (d) Count and inspection.

13 (1) On the day preceding the election, at least one hour prior to
14 depositing the ballots in the vote tabulator, the town clerk and the election
15 officials shall:

16 (1)(A) first open the secure container marked “checked in early voter
17 absentee ballots,” count the sealed certificate envelopes containing those
18 ballots, and record the number counted; and

19 (2)(B) permit these sealed certificate envelopes to be inspected by
20 members of the public.

21 (2) Any early voter absentee ballot that is returned after the expiration
22 of the period for the count and inspection shall be processed on the day of the

1 election in accordance with section 2546 of this subchapter.

2 (e) Processing.

3 (1) Immediately after the expiration of the period for the count and
4 inspection described in subsection (d) of this section, the town clerk and
5 election officials shall open each sealed certificate envelope containing an
6 early voter absentee ballot that was counted under subdivision (d)(1) of this
7 section and deposit each ballot into a vote tabulator.

8 (2) The town clerk and the election officials shall ensure that all
9 procedures for handling ballots are followed to the fullest extent practicable.

10 (3) At the end of the processing, the town clerk shall verify that the vote
11 tabulator's memory card is locked in place and shall sign a statement verifying
12 how many early voter absentee ballots were counted by the vote tabulator and
13 that the memory card is so locked. The town clerk shall compare the vote
14 tabulator's number of counted ballots to the original count of those ballots
15 described in ~~subsection (d)~~ subdivision (d)(1) of this section.

16 * * *

17 Sec. 30. 17 V.S.A. § 2547 is amended to read:

18 § 2547. DEFECTIVE BALLOTS

19 (a) If upon examination by the election officials it shall appear that any of
20 the following defects is present, either the ballot or the unopened certificate
21 envelope shall be marked "defective" and the ballot shall not be counted:

22 (1) the early or absentee voter is not legally qualified to vote, ~~or;~~

- 1 (2) the early or absentee voter has voted in person, or that;
- 2 (3) the affidavit on any the certificate envelope is insufficient not
3 completed;
- 4 (4) the certificate is not signed, or;
- 5 (5) the voted ballot is not in the voted ballot certificate envelope; or;
- 6 (6) in the case of a primary vote, the early or absentee voter has failed to
7 return the unvoted primary ballots, such envelope shall be marked “defective,”
8 and the ballots inside shall not be counted and.
- 9 (b) Each defective ballot or unopened certificate envelope shall be:
- 10 (A) affixed with a note from the presiding officer indicating the
11 reason it was determined to be defective;
- 12 (B) placed with other such defective ballots in an envelope marked
13 “Defective Ballots – Voter Checked Off Checklist - Do Not Count”; and
- 14 (C) shall be returned in the unopened that envelope to the town clerk
15 in the manner prescribed by section 2590 of this title.
- 16 (c) The provisions of this section shall be indicated prominently in the
17 early or absentee voter material prepared by the Secretary of State.

18 Sec. 31. 17 V.S.A. § 2563 is amended to read:

19 § 2563. ADMITTING VOTER

20 Before a person may be admitted to vote, he or she shall announce his or
21 her name and, if requested, his or her place of residence in a clear and audible
22 tone of voice, or present his or her name in writing, or otherwise identify

1 himself or herself by appropriate documentation. The election officials
2 attending the entrance of the polling place shall then verify that the person's
3 name appears on the checklist for the polling place.

4 (1) If the name does appear, and if no one immediately challenges the
5 person's right to vote on grounds of identity or having previously voted in the
6 same election, the election officials shall repeat the name of the person and:

7 (A)(i) If the checklist indicates that the person is a first-time voter in
8 the municipality who registered by mail, whose driver's license, nondriver
9 identification number, or last four digits of his or her social security number
10 provided by the applicant have not been verified by the Secretary of State, and
11 who has not provided required identification before the opening of the polls,
12 require the person to present any one of the following: a valid photo
13 identification; a copy of a current utility bill; a copy of a current bank
14 statement; or a copy of a government check, paycheck, or any other
15 government document that shows the current name and address of the voter.

16 * * *

17 * * * Provisional Voting * * *

18 Sec. 32. 17 V.S.A. § 2555 is amended to read:

19 § 2555. PROVISIONAL BALLOT ENVELOPES

20 The clerk shall deliver to each polling place on the date of the election a
21 sufficient number of provisional ballot envelopes printed with a voter
22 attestation. The attestation shall include:

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(4) A statement informing the provisional voter: ~~“Provisional balloting allows a provisional voter only to vote in federal elections. If you wish to vote in any other State or local election, you should return this form to the elections officials and file an appeal in Superior Court in the county in which you live pursuant to section 2148 of this title. If you choose to vote by provisional ballot, after the close of the polls, the town clerk will determine whether you meet all eligibility requirements. If the clerk denies your application, he or she will inform you that the application has been denied.”~~

* * * Process of Voting * * *

Sec. 33. 17 V.S.A. § 2564 is amended to read:

§ 2564. CHALLENGES

(a)(1)(A) Each organized political party, each candidate on the ballot not representing an organized political party, and each committee supporting or opposing any public question on the ballot shall have the right to have not more than two representatives for each entrance checklist table in a polling place but outside the guardrail for the purpose of observing the voting process and challenging the right of any person to vote.

(B) In no event shall such representatives be permitted to interfere with the orderly conduct of the election, and the presiding officer shall have authority to impose reasonable rules for the preservation of order.

(C) However, in all cases the representatives shall have the right to

1 hear or see the name of a person seeking to vote, and they shall have the right
2 to make an immediate challenge to a person's right to vote.

3 (2) The grounds of challenge of a person whose name appears on the
4 checklist shall be only:

5 (1)(A) that he or she is not, in fact, the person whose name appears on
6 the checklist; or

7 (2)(B) that he or she has previously voted in the same election.

8 (b) If a challenge is issued, the members of the board of civil authority
9 present in the polling place shall immediately convene, informally hear the
10 facts, and decide whether the challenge should be sustained.

11 (1) If the board overrules the challenge, the person shall immediately be
12 admitted within the guardrail and permitted to vote.

13 (2) If the board sustains the challenge, the person shall not be admitted
14 unless, before the polls close, he or she shall obtain a court order directing that
15 he or she be permitted to vote.

16 Sec. 34. 17 V.S.A. § 2566 is amended to read:

17 § 2566. MARKING BALLOTS

18 On receiving his or her ballots, the voter shall forthwith, and without
19 leaving the polling place or going outside the guardrail, proceed to one of the
20 booths not occupied by any other person and vote by filling in the appropriate
21 square or oval opposite the name of the candidate of his or her choice for each
22 office, or by filling writing in the name of the candidate of his or her choice in

1 the blank space provided and filling in the square or oval to the right of that
2 blank space.

3 Sec. 35. 17 V.S.A. § 2568 is amended to read:

4 § 2568. ~~SPOILED~~ REMOVING BALLOTS FROM POLLING PLACE;

5 REPLACEMENT, BLANK, AND UNUSED BALLOTS

6 (a) Removing ballots from polling place. A person shall not take or
7 remove a ballot from the polling place before the close of the polls.

8 (b) Replacement ballots.

9 (1) If a voter ~~spoils~~ desires a replacement ballot, he or she may obtain
10 ~~others another, one at a time,~~ not exceeding three in all, upon each time
11 returning to an election official the ~~spoiled one~~ previous ballot he or she was
12 provided.

13 (2) If a ballot is returned to an election official by a voter desiring a
14 replacement ballot, the ballot returned by the voter shall be immediately
15 delivered to the presiding officer and shall be immediately marked “Do Not
16 Count—Voter Received Replacement Ballot” and placed in an envelope
17 containing all ballots returned by the voters that is clearly marked “Do Not
18 Count—Replaced Ballots.” At the close of the polls, this envelope shall be
19 sealed and delivered to the clerk pursuant to section 2590 of this chapter.

20 ~~If a person fails to use a ballot, he or she shall deliver it to the presiding officer~~
21 ~~before going outside the guardrail.~~

22 (c) ~~Spoiled and unused~~ Unused ballots shall be ~~immediately canceled and,~~

1 ~~together with those~~ Ballots originally delivered to the presiding officer ~~which~~
2 that remain undistributed to the voters, shall be preserved and returned to the
3 town clerks, ~~in the same manner provided for in section 2590 of this title~~, and
4 the clerk shall preserve them in such condition, unless called for by some
5 authority entitled to demand and receive them. After 90 days from the date the
6 election is held, they may be destroyed or distributed by the town clerk for
7 educational purposes or for any other purpose the town clerk deems
8 appropriate.

9 Sec. 36. 17 V.S.A. § 2570 is amended to read:

10 § 2570. DEPOSITING BALLOTS

11 (a) In primary elections, the voter shall first hand any unvoted primary
12 ballots to the appropriate election official, who shall deposit those ballots in a
13 receptacle marked for unvoted primary ballots. The voter shall then deposit
14 the voted ballot in the ballot box or vote tabulator, unless the voter requires
15 assistance in depositing the ballot.

16 * * *

17 * * * Count and Return of Votes * * *

18 Sec. 37. 17 V.S.A. § 2586 is amended to read:

19 § 2586. ~~SECRETARY OF STATE TO PREPARE FORMS~~ TALLY
20 SHEETS; SUMMARY SHEETS; RETURNS

21 The ~~secretary of state~~ Secretary of State shall design, prepare, and distribute
22 a sufficient supply of the following forms, which ~~shall~~ may be used in each

1 polling place during the counting process:

2 (1) Tally sheets.

3 (A) These sheets shall provide a place to identify the office or
4 question for which the ballots are being counted, the name of each candidate
5 for that office, and the signature of the pair of election officials actually
6 counting the ballots.

7 (B) Votes for each candidate or question shall be recorded on the
8 tally sheets by means of “tick” marks or some other convenient system, and
9 the total shall then be written on the tally sheet.

10 (C) Blank votes (undervotes) and ~~spoiled ballots~~ overvotes shall be
11 indicated.

12 (D) ~~All~~ In towns that count ballots by hand, all votes must be
13 accounted for on the tally sheets.

14 * * *

15 Sec. 38. 17 V.S.A. § 2587 is amended to read:

16 § 2587. RULES FOR COUNTING ~~BALLOTS~~ VOTES

17 (a)(1) In counting ~~ballots~~ votes, election officials shall attempt to ascertain
18 the intent of the voter, as expressed by markings on the ballot ~~which~~ and in a
19 manner that is consistent with guidance that shall be adopted by rule by the
20 Secretary of State. ~~The Secretary shall adopt, by rule, guidance on~~
21 ~~determining whether a ballot is spoiled.~~

22 (2) If it is impossible to determine the intent of the voter for any office

1 or public question, the ~~ballot~~ vote shall be counted as a blank or spoiled
2 overvote, as the case may be, for that office or question; but that determination
3 shall not control any other office or question appearing on the ballot for which
4 the voter's intent can be determined.

5 (3) If they have any doubt about the intent of the voter or any other
6 question about a ~~ballot~~ vote, the election officials counting the ~~ballot~~ vote shall
7 bring it to the presiding officer, who shall present the question of how to treat
8 the ~~ballot~~ vote to the assembled election officials. The decision of how to treat
9 the ~~ballot~~ vote shall be made by majority vote of the election officials who are
10 present.

11 (b) If the voter marks more names than there are persons to be elected to an
12 office, or marks contradictory sides on any public question, ~~his or her ballot~~
13 ~~shall not be counted for that office or public question~~ overvotes equal to the
14 number of candidates to be elected to the office must be recorded on the tally
15 sheet for that office or question.

16 (c)(1) A write-in vote for a candidate whose name is pre-printed on the
17 ballot shall be counted as a vote for that candidate.

18 (2) A person who receives more than one vote for the same office on
19 any ballot shall be entitled to one vote, and one vote only.

20 (d) If the board of civil authority decides by majority vote of those present
21 that any markings on a ballot were made for the purpose of enabling it to be
22 identified and the vote traced, so as to defeat the secrecy of the ballot,;

1 (1) that ballot shall be:

2 (A) rejected;

3 (B) marked defective and affixed with a note from the presiding
4 officer as to why it was marked defective; and

5 (C) placed in the defective ballot envelope in accordance with
6 subsection 2547(b) of this chapter; and

7 (2) the election officials shall edit the vote tabulator totals reported on
8 the vote tabulator tape, as necessary. The board shall make a record of the
9 rejection and the reason for it, and shall preserve the record with the ballot in
10 question.

11 (e)(1) In the case of “write-in” votes, the act of writing in the name of a
12 candidate, or pasting a label containing a candidate’s name upon the ballot,
13 without other indications of the voter’s intent, shall constitute a vote for that
14 candidate, even though the voter did not fill in the square or oval after the
15 name.

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

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

21 (B) Names of fictitious or deceased persons shall not be listed and
22 shall be recorded on the tally sheet as a blank vote.

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Sec. 39. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

For any primary or general election:

~~(a)~~(1)(A) In towns that count all ballots by hand, as the count of votes for each office or public question is completed, the presiding officer and at least one other election official shall collect the tally sheets, enter the totals shown on the tally sheets upon the summary sheets, add and enter the sum of the figures, and sign the summary sheets.

(B) As each summary sheet is completed, the presiding officer shall publicly announce the results.

~~(b)~~(2)(A) In towns that use vote tabulators, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the vote tabulator, the presiding officer shall insert the ender card and the tabulator will print a tape of unofficial results. The presiding officer shall print at least ~~two~~ one additional ~~copies~~ copy of the tabulator tape.

(B) The unofficial results from the tape may be publicly announced, and one copy of the printed tape may be posted in the polling place upon a placard that clearly states: “Unofficial incomplete results.”

~~(c)~~ For any primary or general election:

~~(1)~~(3) 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

1 on the ballot to the Secretary of State. The report shall be made by
2 electronically submitting the vote counts on the Secretary's online elections
3 reporting system or, if unable to submit electronically, by submitting those
4 vote counts to the Secretary of State by telephone, facsimile, or e-mail.

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

8 ~~(3)~~(5) The Secretary's online elections reporting system shall cause the
9 unofficial vote counts to be posted immediately on the Secretary's official
10 website as soon as those vote counts are submitted.

11 ~~(d)~~(6)(A) The presiding officer and one other election official then shall
12 proceed either to complete the return at once, or to store the summary sheets in
13 a safe and secure place until their retrieval for completion of the return. In any
14 event, ~~no~~ not later than ~~24~~ 48 hours after the polls close, the presiding officer
15 and at least one other election official shall transfer the totals from the
16 summary sheets to the proper spaces on the return, and both shall sign the
17 return.

18 (B) The town clerk shall store the summary sheets safely so that the
19 public cannot reasonably have access to them for a period of 90 days without
20 the town clerk's consent.

21 (C) The original of the return shall be delivered to the town clerk. In
22 a manner prescribed by the Secretary of State and within 48 hours of the close

1 of the polls, the town clerk shall deliver to the Secretary of State, the senatorial
2 district clerk, the county clerk, and the representative district clerk one
3 certified copy each of the return. The town clerk shall also make a copy
4 available to the public upon request.

5 Sec. 40. 17 V.S.A. § 2590 is amended to read:

6 § 2590. SECURING AND STORING BALLOTS, TALLYSHEETS, AND
7 CHECKLISTS

8 (a)(1) The presiding officer shall collect and deliver to the town clerk,
9 securely sealed in the containers described in subsection (b) of this section, the
10 following:

11 (A) packages of counted ballots;

12 (B) envelopes containing ballots that have been replaced and
13 defective ballots;

14 (C) the exit checklist or a copy of the entrance checklist;

15 (D) tally sheets;

16 (E) in the case of a primary election, ballots from the unvoted ballot
17 box, which shall be clearly separated from the ballots from the voted ballot
18 box and clearly marked as unvoted ballots; and

19 (F) other election material shall be collected by the presiding officer
20 and delivered to the town clerk, securely sealed in the containers provided for
21 in subsection (b) of this section.

22 (2) If the material collected from one polling place is sealed in more

1 than one container, the presiding officer shall ensure that there shall be
2 attached to the container in which the exit checklist or copy of the entrance
3 checklists are located a tag stating that the checklist or checklists are in that
4 container.

5 (3) The form of the seal shall be designated and furnished by the
6 ~~secretary of state~~ Secretary of State in sufficient quantities to each town clerk.
7 The ~~secretary of state~~ Secretary of State shall require that all seals be safely
8 kept and fully accounted for.

9 (4) The following shall not be placed in a sealed container, but shall be
10 delivered to the town clerk along with the sealed containers:

11 (A) ballots that were never distributed to voters;

12 (B) any vote tabulator memory card; and

13 (C) the original entrance checklist shall also be ~~forwarded to the town~~
14 ~~clerk.~~

15 (b) The ~~secretary of state~~ Secretary of State shall furnish to all town clerks
16 sufficient quantities of uniform-style containers. The ~~secretary of state~~
17 Secretary shall establish a method by which the outside of each container shall
18 indicate the contents of the container, the town to which it belongs, and such
19 other pertinent information as may be required.

20 (c)(1) The ~~presiding officer shall return all sealed containers to the town~~
21 ~~clerk, who~~ shall safely store ~~them~~ the sealed containers and shall not permit
22 them to be removed from his or her custody or tampered with in any way.

1 (2)(A) In the event that a ballot bag or container breaks, splits, or opens
2 through handling, or in the event the original entrance checklist or a vote
3 tabulator memory card was inadvertently sealed in a ballot bag or container,
4 the town clerk shall notify the ~~secretary of state~~ Secretary of State in writing,
5 and the ~~secretary of state~~ Secretary shall order the town clerk in the presence
6 of two other town election officials who are not members of the same political
7 party to open the bag to remove the entrance checklist or to move the entire
8 contents to new bags or containers, affix new seals, and transmit the new seal
9 numbers.

10 (B) Ballot bags or containers shall not be removed or tampered with
11 in any other way, except under court order, or by order of any authorized
12 committee of the ~~general assembly~~ General Assembly.

13 (C) If necessary for safe storage of the containers, the town clerk
14 may store them in a bank vault or other secure place, within or ~~without~~ outside
15 the town, provided that access to them cannot reasonably be had without the
16 town clerk's consent.

17 * * *

18 Sec. 41. 17 V.S.A. § 2592 is amended to read:

19 § 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN

20 GENERAL OR SPECIAL ELECTIONS

21 (a) For all ~~state~~ State and national offices and statewide public questions,
22 the ~~secretary of state~~ Secretary of State and the chair of the ~~state~~ State

1 committee of each major political party (or designee) shall constitute a
2 canvassing committee to receive and tally returns and issue certificates.

3 (b) For all county offices (~~except justice of the peace~~) and countywide
4 public questions, the county clerk and the chair of the county committee of
5 each major political party (or designee) shall constitute a canvassing
6 committee to receive and tally returns and issue certificates.

7 * * *

8 (k)(1) In the case of the State offices of ~~governor, lieutenant governor,~~
9 ~~treasurer, secretary of state, attorney general, and auditor of accounts,~~ the
10 canvassing committee shall prepare a certificate of election but shall not
11 sign it.

12 (2) The prepared certificate shall be presented to the official canvassing
13 committee appointed by the ~~general assembly~~ General Assembly, pursuant to
14 Chapter II, § 47 of the Constitution of the State of Vermont ~~constitution~~, for
15 their use if they desire.

16 (l)(1) In the case of a tie vote, the canvassing committee shall forthwith
17 petition the appropriate ~~superior court~~ Superior Court for a recount pursuant to
18 section 2602 of this title.

19 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
20 either of the candidates that is involved in a tie may notify the appropriate
21 Superior Court that he or she is withdrawing, in which case the court shall
22 certify the other candidate as the winner.

1 (m)(1) Each canvassing committee shall file a report of its findings with
2 the ~~secretary of state~~ Secretary of State, who shall preserve the reports as
3 permanent records.

4 (2) In the case of the State offices, the State office canvassing
5 committee shall present a copy of its report to the official canvassing
6 committee appointed by the General Assembly pursuant to Chapter II, § 47 of
7 the Constitution of the State of Vermont for its use if it desires.

8 * * * Contested Legislative Elections * * *

9 Sec. 42. 17 V.S.A. § 2605 is amended to read:

10 § 2605. HOUSE OF REPRESENTATIVES

11 (a) A candidate for the office of ~~representative to the general assembly~~
12 Representative to the General Assembly in the general election, or any elected
13 town officer in the representative district, or any 25 voters in the representative
14 district may request the ~~house of representatives~~ House of Representatives to
15 exercise its constitutional authority to judge ~~of~~ the elections and qualifications
16 of its own members, by filing a written request with the ~~secretary of state~~
17 Secretary of State specifying the candidate or candidates whose election is
18 being challenged. The request must be filed ~~no~~ not later than the latest of the
19 following:

20 (1) 20 days after the date of the election; or

21 (2) 10 days after a final court judgment, if there is a recount under
22 section 2602 of this title; ~~or~~

1 ~~(3) 10 days after a final court judgment, if there is a contest under~~
2 ~~section 2603 of this title.~~

3 (b)(1) ~~The secretary of state~~ Secretary of State shall notify the ~~attorney~~
4 ~~general~~ Attorney General, who shall investigate the facts, take such
5 depositions as may be necessary, prepare an opinion on the law and facts, and
6 send his or her report and opinion to the ~~secretary of state~~ Clerk of the House
7 at least 10 days before the ~~general assembly~~ General Assembly convenes.

8 (2) If the Attorney General needs additional time to conduct the
9 investigation or prepare the report and opinion required by this subsection, he
10 or she shall alert the Clerk of the House of that need and the date by which he
11 or she plans to submit the report and opinion.

12 Sec. 43. 17 V.S.A. § 2606 is amended to read:

13 § 2606. SENATE

14 (a) A candidate for the office of ~~state senator~~ State Senator in the general
15 election; or any 100 voters in the senatorial district may request the ~~senate~~
16 Senate to exercise its constitutional authority to judge ~~of~~ the elections and
17 qualifications of its own members by filing a written request with the ~~secretary~~
18 ~~of state~~ Secretary of State specifying the candidate or candidates whose
19 election is being challenged. The request must be filed ~~no~~ not later than the
20 latest of the following:

21 (1) 20 days after the date of the election; or

22 (2) 10 days after a final court judgment, if there is a recount under

1 section 2602 of this title; or

2 (3) ~~10 days after a final court judgment, if there is a contest under~~
3 ~~section 2603 of this title.~~

4 (b)(1) ~~The secretary of state~~ Secretary of State shall notify the ~~attorney~~
5 ~~general~~ Attorney General, who shall investigate the facts, take such
6 depositions as may be necessary, prepare an opinion on the law and facts, and
7 send his or her report and opinion to the ~~secretary of the senate~~ Secretary of
8 the Senate at least 10 days before the ~~general assembly~~ General Assembly
9 convenes.

10 (2) If the Attorney General needs additional time to conduct the
11 investigation or prepare the report and opinion required by this subsection, he
12 or she shall alert the Secretary of the Senate of that need and the date by which
13 he or she plans to submit the report and opinion.

14 * * * Local Elections; Generally * * *

15 Sec. 44. 17 V.S.A. § 2640 is amended to read:

16 § 2640. ANNUAL MEETINGS

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

1 (b) When a town so votes, it may thereafter start its annual meeting on any
2 of the three days immediately preceding the first Tuesday in March at such
3 time as it elects and may transact at that time any business not involving voting
4 by Australian ballot or voting required by law to be by ballot and to be held on
5 the first Tuesday in March. A meeting so started shall be adjourned until the
6 first Tuesday in March.

7 (c)(1) Notwithstanding section 2508 of this title, public discussion of ballot
8 issues and all other issues appearing in the warning, other than election of
9 candidates, shall be permitted ~~on that day~~ at the annual meeting, regardless of
10 the location of the polling place.

11 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
12 a candidate for local office nominated from the floor at the annual meeting
13 may introduce his or her candidacy to the extent permitted by the voters at the
14 meeting.

15 Sec. 45. 17 V.S.A. § 2650 is amended to read:

16 § 2650. ~~ADDITIONAL SELECTMEN AND LISTERS~~ AND

17 SELECTBOARD MEMBERS

18 (a) Additional listers. A town may vote at a special or annual town
19 meeting to elect ~~not more than~~ two additional listers for terms of one year
20 each.

21 (b) Additional selectboard members.

22 (1)(A) A town may vote at a special or annual town meeting to elect ~~not~~

1 ~~more than~~ two additional ~~selectmen~~ selectboard members for terms of either
2 one or two years each.

3 (B) When the terms of the additional ~~selectmen~~ selectboard members
4 are to be for two years, the warning for the meeting shall so specify.

5 (2)(A) If two additional ~~selectmen~~ selectboard member positions are
6 created, they shall be for terms of the same length, but if the terms of the new
7 positions are to be for two years, when the additional ~~selectmen~~ selectboard
8 members are first elected, one shall be elected for one year and the other
9 ~~selectman~~ selectboard member for two years.

10 (B) Terms of these additional ~~selectmen~~ selectboard members shall
11 end on annual meeting days. If the additional ~~selectmen~~ selectboard members
12 are elected at a special meeting, the term of those elected for one year shall
13 expire on the next annual meeting day and those elected for two years shall
14 expire on the second annual meeting day following their election.

15 (c) Discontinuing additional listers or selectboard members.

16 (1) A vote establishing additional ~~selectmen or listers or~~ selectboard
17 members shall remain in effect until the town votes to discontinue the two
18 additional positions at an annual or special meeting duly warned for that
19 purpose.

20 (2) The term of office of any lister or selectboard member in office on
21 the date a town votes to discontinue that office shall expire on the 31st day
22 after the vote, unless a petition for reconsideration or rescission of that vote is

1 filed with the clerk of the municipality in accordance with section 2661 of this
2 chapter, in which case that section shall control.

3 Sec. 46. 17 V.S.A. § 2652 is amended to read:

4 § 2652. ROAD AND WATERCOMMISSIONERS

5 The ~~board of selectmen~~ selectboard may and, when requested by at least
6 five percent of the legal voters of a town at least ~~40~~ 47 days prior to the annual
7 town meeting, ~~they~~ it shall insert in the warning for the annual town meeting
8 an article on the question of whether ~~or not~~ the town shall elect a road
9 commissioner or commissioners, or water commissioners, as provided in
10 section 2651 of this ~~title~~ chapter.

11 Sec. 47. 17 V.S.A. § 2661 is amended to read:

12 § 2661. RECONSIDERATION OR RESCISSION OF VOTE

13 * * *

14 (c) A question voted on shall not be presented for reconsideration or
15 rescission at more than one subsequent meeting within ~~the succeeding 12~~
16 ~~months~~ a one year period, except with the approval of the legislative body.

17 (d) For a vote by Australian ballot;

18 (1) the form of the ballot shall be as follows: “Article 1: [cite the
19 article to be reconsidered as lastly voted].”

20 (2) absentee ballots for the reconsideration or rescission vote shall be
21 sent to any voter who requested an absentee ballot for the initial vote on the
22 article to be reconsidered or rescinded, whether or not a separate request for an

1 absentee ballot for the reconsideration or rescission vote is submitted by the
2 voter.

3 * * *

4 (g) This section shall not apply to nonbinding advisory articles, which shall
5 not be subject to reconsideration or rescission.

6 * * * Local Elections Using the Australian Ballot System * * *

7 Sec. 48. 24 V.S.A. § 1755 is amended to read:

8 § 1755. SUBMISSION TO VOTERS

9 * * *

10 (b) A municipal corporation may not submit to the voters more than twice
11 ~~in the same calendar year or any 12-month~~ any one-year period the proposition
12 of incurring a bonded debt to pay for the same or a similar public
13 improvement, except that a proposition voted on for the first time at an annual
14 meeting that is reconsidered may be voted on in the subsequent annual
15 meeting.

16 Sec. 49. 17 V.S.A. § 2680 is amended to read:

17 § 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

18 (a) Application. Unless specifically required by statute, the provisions of
19 the Australian ballot system shall not apply to the annual or special meeting of
20 a municipality unless that municipality, at its annual meeting or at a special
21 meeting called for that purpose, votes to have them apply.

22 * * *

1 (c) Budgets.

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

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

6 * * *

7 (g) Hearing.

8 (1) Whenever a municipality has voted to adopt the Australian ballot
9 system of voting on any public question or budget, except the budget revote as
10 provided in subsection (c) of this section, the legislative body shall hold a
11 public informational hearing on the question by posting warnings at least
12 10 days in advance of the hearing in at least two public places within the
13 municipality and in the town clerk’s office.

14 (2)(A) The hearing shall be held within the 10 days preceding the
15 meeting at which the Australian ballot system is to be used. The legislative
16 body shall be responsible for the administration of this hearing, including the
17 preparation of minutes.

18 (B) ~~The~~ In a town that has voted to start its annual meeting on any of
19 the three days immediately preceding the first Tuesday in March in accordance
20 with subsection 2640(b) of this title, the hearing under this subsection may be
21 held in conjunction with the that meeting held under subsection 2640(e) of this
22 title, in which case the moderator shall preside.

1 Sec. 50. 17 V.S.A. § 2681 is amended to read:

2 § 2681. NOMINATIONS; PETITIONS; CONSENTS

3 (a)(1)(A) Nominations of the municipal officers shall be by petition. The
4 petition shall be filed with the municipal clerk, together with the endorsement,
5 if any, of any party or parties in accordance with the provisions of this title, ~~no~~
6 not later than 5:00 p.m. on the sixth Monday preceding the day of the election,
7 which shall be the filing deadline.

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

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

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

18 * * *

19 * * * Local Election Recounts * * *

20 Sec. 51. 17 V.S.A. § 2683 is amended to read:

21 § 2683. REQUEST FOR A RECOUNT; CANDIDATES

22 (a) A candidate for local office may request a recount by filing a request in

1 writing with the municipal clerk within 10 days after the election.

2 (b) If the difference between the number of votes cast for a winning
3 candidate and the number of votes cast for a losing candidate is ~~less than~~ five
4 percent or less of the total votes cast for all the candidates for an office,
5 divided by the number of persons to be elected, that losing candidate shall
6 have the right to have the votes for that office recounted.

7 Sec. 52. 17 V.S.A. § 2685 is amended to read:

8 § 2685. CONDUCT OF RECOUNT

9 (a)(1) Except as provided in subdivision (2) of this subsection, at the time
10 and place specified by the clerk, the board of civil authority shall break the
11 seal, open the ballot container, and recount the votes pursuant to the procedure
12 set forth in section 2685a of this subchapter and otherwise in the same manner
13 as the votes were counted on the day of the election.

14 (2) When the ballot for the office is printed on index stock and
15 configured to be readable by vote tabulator, the ~~presiding officer~~ town clerk
16 and board of civil authority shall conduct the recount by vote tabulator,
17 pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to
18 the greatest extent practicable, if:

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

21 (B) the board of civil authority, at a meeting held not less than 60
22 days prior to a local election and warned pursuant to 24 V.S.A. § 801, has

1 voted to require the municipality for which it is elected to use vote tabulators
2 in subsequent recounts; or

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

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

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

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

13 Sec. 53. 17 V.S.A. § 2685a is amended to read:

14 § 2685a. PROCEDURE FOR RECOUNT

15 (a) Storage of ballots; assignment of duties.

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

18 (2)(A) ~~The presiding officer~~ town clerk shall supervise the recount.

19 (B) If the town clerk is unavailable or is a candidate for the office
20 subject to the recount, the board of civil authority shall appoint a voter of the
21 municipality to perform the duties of the town clerk under this section.

22 (3)(A) The board of civil authority shall appoint a sufficient number of

1 impartial assistant election officers to perform appropriate tasks ~~that are not~~
2 ~~practicable for the board of civil authority to perform~~ to conduct the recount.

3 (B) Each assistant election officer shall be appointed and sworn as set
4 forth in section 2454 of this title.

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

15 (5) ~~The board of civil authority shall use fresh seals, manila tags, tally~~
16 ~~sheets, double-check sheets, summary sheets for each polling place, master~~
17 ~~lists for the entire election to be recounted, and other appropriate material~~
18 ~~provided by the Secretary of State. [Repealed.]~~

19 (b) Preparation for recount.

20 (1) Before the recount begins, the ~~presiding officer~~ town clerk shall
21 explain the recount procedures ~~which~~ that are to be followed and shall answer
22 questions relating to such procedures.

1 (2) ~~The recount teams established~~ election officials shall recount the
2 contents of one container before another container is opened and shall recount
3 the contents of all the containers relating to one polling place before moving to
4 those of another polling place.

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

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

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

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

1 ~~polls, or ballots spoiled by voters and turned in by voters requesting fresh~~
2 ~~ballots.~~

3 ~~(c) Examination of checklists.~~

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

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

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

14 ~~(4) The number finally determined by a majority of team members shall~~
15 ~~be submitted to the presiding officer in the presence of the presiding officer~~
16 ~~observer team, together with an indication of the nature and extent of the~~
17 ~~disagreement. If one or more team members do not agree with the number~~
18 ~~submitted, the presiding officer shall note on the master list the fact that the~~
19 ~~number of people appearing as having voted on a specified checklist was~~
20 ~~subject to dispute. [Repealed.]~~

21 ~~(d) Sorting of ballots.~~

22 ~~(1) Ballots from the first container shall be counted by one team and~~

1 placed into piles containing 50 ballots each, except where there is a final pile
2 which contains fewer than 50, in which case, the counting team shall affix to
3 the top of the pile a note indicating how many ballots are contained in the pile.
4 All of these ballots then shall be transferred to another team which shall verify
5 that they are in piles of 50 ballots each and that any remaining pile contains the
6 designated number of ballots.

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

14 (e) First tally Ballot review.

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

19 (2) If the caller and the observer or observers election officials
20 examining a particular ballot do not agree on how a the vote on that ballot
21 should be counted, the entire team all of the election officials present shall all
22 review the ballot vote, and if all members agree, it the vote shall be counted

1 that way as agreed upon by a majority of those election officials.

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

11 ~~(4) After the board of civil authority has rendered a final decision on a~~
12 ~~given questionable ballot, it shall be returned to the town clerk who shall keep~~
13 ~~it in a sealed container for a period of two years.~~

14 ~~(5)(2) Write-in votes for preprinted candidates shall be counted as votes~~
15 ~~for that candidate.~~

16 ~~(6) If the tally persons do not agree on the number of votes for a~~
17 ~~candidate, the ballots shall be retallied until they do agree. Then the team shall~~
18 ~~notify the presiding officer that it has completed the first recount.~~

19 (f) Second tally.

20 (1) ~~The presiding officer shall attach to the tally and double-check~~
21 ~~sheets a note which indicates which team members performed which functions~~
22 ~~in the first recount, and shall provide the team with a new tally sheet and an~~

1 appropriate number of double-check sheets to match the number of people
2 serving as double-check persons.

3 (2) The members of the team then shall switch roles, with callers and
4 observers becoming tally persons and double-check persons, as designated by
5 the presiding officer, and the team shall complete a second recount, following
6 the procedures established for the first recount.

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

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

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

16 (6) After a team has presented its pile of ballots to the presiding officer,
17 it shall be assigned another pile of ballots, until all of the piles from a
18 particular polling place have been recounted two times. [Repealed.]

19 (g) Completing the tally.

20 (1) After the totals for a polling place have been listed, the presiding
21 officer shall add them up in the presence of the presiding officer observer
22 team, and shall compare the number with the number of voters who voted at

1 that polling place, according to the number obtained from the team that
2 examined the certified checklist. If these numbers differ, the presiding officer
3 shall note the amount of the difference on the summary sheets for that polling
4 place.

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

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

12 (4) The presiding officer shall add the totals on each summary sheet,
13 affix the presiding officer's seal, and send the summary sheets for all polling
14 places together with the master list and any questionable ballots to the board of
15 civil authority. [Repealed.]

16 (h) Other rules for conducting the recount.

17 (1) The presiding officer town clerk shall preserve order. If a person,
18 after notice, is persistently disorderly and refuses to withdraw from the
19 premises, the presiding officer town clerk may cause the person to be removed
20 from the premises.

21 (2) The presiding officer town clerk shall designate an area within
22 which the recount shall take place. Persons who are not board of civil

1 authority members or appointed impartial election officers shall be permitted
2 to view a recount in progress, but persons not authorized by the ~~presiding~~
3 ~~officer~~ town clerk shall not be permitted within the area designated by the
4 ~~presiding officer~~ town clerk.

5 (3) ~~Candidates and their attorneys shall be given the opportunity to~~
6 ~~present evidence to the board of civil authority relating to the conduct of the~~
7 ~~recount. If the board determines that any violations of recount procedures~~
8 ~~have occurred and that they may have affected the outcome of the recount, a~~
9 ~~new recount shall be ordered. After such hearings or arguments as may be~~
10 ~~indicated under the circumstances, the board, within five working days, shall~~
11 ~~issue a judgment, which shall supersede any certificate of election previously~~
12 ~~issued and shall return to the town clerk questionable ballots which had been~~
13 ~~forwarded to the board.~~

14 (i) After the recount.

15 (1)(A) ~~If~~ Except as provided in subdivision (B) of this subdivision (1),
16 if the recount results in a tie, the board of civil authority shall order a recessed
17 election to be held, within three weeks of the recount, on a date set by the
18 board. ~~The only candidates who shall appear on the ballot at the recessed~~
19 ~~election shall be those who tied in the previous election. The recessed election~~
20 ~~shall be considered a separate election for the purpose of voter registration~~
21 ~~under chapter 43 of this title~~ a runoff election shall be conducted in accordance
22 with section 2682b of this chapter.

1 (B) If the recount confirms a tie, as to any public question, ~~no~~
2 recessed a new election shall not be held, and the question shall be certified
3 not to have passed.

4 ~~(C) Warnings for a recessed election shall be posted as required by~~
5 ~~this chapter, except that the warnings shall be posted not less than 10 days~~
6 ~~before the recessed election. The conduct of a recessed election shall be as~~
7 ~~provided in this chapter for local elections.~~

8 (2) ~~The town clerk shall send a certified copy of the judgment to the~~
9 ~~Secretary of State.~~

10 * * * Local Office Vacancies * * *

11 Sec. 54. 24 V.S.A. § 963 is amended to read:

12 § 963. DUTIES OF ~~SELECTPERSONS~~ SELECTBOARD; SPECIAL
13 MEETING

14 (a) When a vacancy occurs in any town office, the ~~selectpersons~~
15 selectboard forthwith by appointment in writing shall fill such vacancy until an
16 election is had; except that in the event of vacancies in a majority of the
17 selectboard at the same time, such vacancies shall be filled by a special town
18 meeting called for that purpose.

19 (b) ~~Such~~ The selectboard shall file an appointment shall be filed by them
20 made under this section in the office of the town clerk and the town clerk shall
21 duly recorded by the town clerk record it in the book of town records.

22 (c) If there are no ~~selectpersons~~ selectboard members in office, the

1 Secretary of State shall call a special election to fill any vacancies and for that
2 interim shall appoint and authorize the town clerk or another qualified person
3 to draw orders for payment of continuing obligations and necessary expenses
4 until the vacancies are filled.

5 * * * Presidential Elections * * *

6 Sec. 55. 17 V.S.A. § 2702 is amended to read:

7 § 2702. NOMINATING PETITION

8 (a) The name of any person shall be printed upon the primary ballot as a
9 candidate for nomination by any major political party if petitions signed by at
10 least 1,000 voters in accordance with sections 2353, 2354, and 2358 of this
11 title are filed with the Secretary of State, together with the written consent of
12 the person to the printing of the person's name on the ballot.

13 (b) Petitions shall be filed not later than 5:00 p.m. on the ~~first Monday after~~
14 ~~the first Tuesday~~ fifteenth day of ~~January~~ December preceding the primary
15 election.

16 (c) The petition shall be in a form prescribed by the Secretary of State.

17 (d) A person's name shall not be listed as a candidate on the primary ballot
18 of more than one party in the same election.

19 (e) Each petition shall be accompanied by a filing fee of \$2,000.00 to be
20 paid to the Secretary of State. However, if the petition of a candidate is
21 accompanied by the affidavit of the candidate, which shall be available for
22 public inspection, that the candidate and the candidate's campaign committee

1 are without sufficient funds to pay the filing fee, the Secretary of State shall
2 waive all but \$300.00 of the payment of the filing fee by that candidate.

3 Sec. 56. 17 V.S.A. § 2716 is amended to read:

4 § 2716. NOTIFICATION TO SECRETARY OF STATE

5 Not later than 5:00 p.m. on the ~~55th~~ 65th day before the day of the general
6 election, the chair of the State committee of each major political party shall
7 certify in writing to the Secretary of State the names of the presidential and
8 vice presidential nominees selected at the party's national convention.

9 * * * Campaign Finance * * *

10 Sec. 57. 17 V.S.A. § 2904 is amended to read:

11 § 2904. CIVIL INVESTIGATION

12 (a)(1) The Attorney General or a State's Attorney, whenever he or she has
13 reason to believe any person to be or to have been in violation of this chapter
14 or of any rule ~~or regulation~~ made pursuant to this chapter, may examine or
15 cause to be examined by any agent or representative designated by him or her
16 for that purpose any books, records, papers, memoranda, or physical objects of
17 any nature bearing upon each alleged violation and may demand written
18 responses under oath to questions bearing upon each alleged violation.

19 * * *

20 (5) Nothing in this subsection is intended to prevent the Attorney
21 General or a State's Attorney from disclosing the results of an investigation
22 conducted under this section, including the grounds for his or her decision as

1 to whether to bring an enforcement action alleging a violation of this chapter
2 or of any rule or regulation made pursuant to this chapter.

3 * * *

4 Sec. 58. 17 V.S.A. § 2973 is amended to read:

5 § 2973. SPECIFIC IDENTIFICATION REQUIREMENTS FOR RADIO,
6 TELEVISION, OR INTERNET COMMUNICATIONS

7 (a) In addition to the identification requirements set forth in section 2972
8 of this subchapter, a person, candidate, political committee, or political party
9 that makes an expenditure for an electioneering communication shall include
10 in any communication ~~which~~ that is transmitted through radio, television, or
11 online video, in a clearly spoken manner, an audio statement of the name and
12 title of the person who paid for the communication and that the person paid for
13 the communication.

14 (b) If the person who paid for the communication is not a natural person,
15 the audio statement required by this section shall include the name of that
16 non-natural person and the name and title of the treasurer, in the case of a
17 political committee or political party, or the principal officer in the case of the
18 any other non-natural person.

19 * * * Effective Date * * *

20 Sec. 59. EFFECTIVE DATE

21 This act shall take effect on July 1, 2017.