

House resolution concerning conducting a recount in the election for the House of Representatives for the Orange–1 District.

Offered by: Committee on Government Operations

Whereas, Chapter I, Article 8 of the Vermont Constitution provides that voters have the right to elect and to be elected into office agreeably to the regulations of the Constitution, and

Whereas, Chapter II, § 14 provides that the House of Representatives shall have the power to “judge of the elections and qualifications” of its members, and

Whereas, the Committee on Government Operations has before it the petition of Susan Hatch Davis, contesting the election for the House of Representatives for the Orange–1 District, and requesting that the House of Representatives conduct a recount, and

Whereas, the Committee on Government Operations heard testimony from witnesses, including Petitioner, Petitioner’s attorney, Respondent Representative Frenier, Respondent’s attorney, multiple town clerks, representatives from the Office of the Secretary of State, and a representative from the Office of the Attorney General, and

Whereas, it is the conclusion of the Committee on Government Operations that Representative Rodney Graham won the most votes in the district and his election is not in dispute, and

Whereas, it is the conclusion of the Committee on Government Operations that the petition should be granted and that a recount should be conducted to determine if Robert Frenier or Susan Hatch Davis won more votes and therefore should be deemed duly elected and qualified to hold the other seat from the Orange–1 District, now therefore be it

Resolved by the House of Representatives:

That this legislative body resolves that a recount of all votes cast for the House of Representatives in District Orange–1, except for 14 ballots previously determined to be defective, shall be conducted, and be it further

Resolved: That the Committee on Government Operations shall adopt policies and procedures as to how the recount shall be conducted, and be it further

Resolved: For purposes of this recount, and to ensure parity among members of the Republican and Progressive parties, the leaders of the Republican and Progressive caucuses shall each appoint nine House members to serve on a Special Recount Committee. Preference shall be given to current members of the Committee on Government Operations. If the leader of the Republican or Progressive caucus fails to appoint nine members, the Speaker of the House shall do so. In addition to these 18 members, the Chair of the Committee on Government Operations shall serve on the Special Recount Committee as presiding officer, and be it further

Resolved: That the Special Recount Committee shall conduct the recount pursuant to the policies and procedures adopted by the Committee on Government Operations, and be it further

Resolved: That the Committee on Government Operations shall have the power to compel, by subpoena, the attendance of witnesses and the production of records and things, including documents, papers, and ballots, and be it further

Resolved: That the Committee on Government Operations and the Special Recount Committee shall have the support and assistance of the Secretary of State, Sergeant at Arms, Capitol Police Department, and Office of Legislative Council to carry out its duties, and be it further

Resolved: That the Special Recount Committee, after conducting the recount, shall report its findings and recommendations to the Committee on Government Operations. The Committee on Government Operations shall report its findings and recommendations to the House as to whether Robert Frenier or Susan Hatch Davis shall be deemed to be duly elected and qualified to represent the Orange–1 District in the House of Representatives.