

1 S.107

2 Introduced by Senators White and Sears

3 Referred to Committee on Government Operations

4 Date: February 15, 2019

5 Subject: Elections; miscellaneous

6 Statement of purpose of bill as introduced: This bill proposes to make
7 miscellaneous amendments to election law. Substantive provisions include:

- 8 (1) requiring voter registration agencies designated by the Secretary of
9 State to provide automatic voter registration as an integrated option on
10 application forms for services or benefits provided by those agencies;
- 11 (2) updating the procedure to organize major political parties;
- 12 (3) requiring that a primary petition contain only one office for which a
13 person seeks to be a candidate;
- 14 (4) requiring that primary election ties be decided by the party committee;
- 15 (5) requiring a write-in candidate in a primary or general election to file a
16 candidate consent form prior to the election;
- 17 (6) prohibiting a person from seeking nomination as both a party candidate
18 and independent candidate prior to the primary election, but permitting a
19 person to file as an independent candidate after the primary;
- 20 (7) prohibiting a person from being a candidate for two or more offices that
21 are incompatible under Vt. Const. Ch. II, § 54;

- 1 (8) prohibiting a person from being a candidate for more than one political
2 party;
- 3 (9) updating provisions regarding early or absentee voters; and
- 4 (10) revising the dates to file campaign finance reports.

5 An act relating to elections corrections

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

7 ~~*** Ratification of Articles of Amendment to the Vermont Constitution ***~~

8 Sec. 1. 17 V.S.A. chapter 32 is amended to read:

9 CHAPTER 32. PUBLICATION AND RATIFICATION OF ARTICLES OF
10 AMENDMENT TO VERMONT CONSTITUTION

11 * * *

12 § 1842. TIME OF VOTING; WARNING

13 (a) The people shall be assembled for the purpose of voting on the article
14 of amendment in their respective towns and cities at the same time and place
15 as for the general election, on the first Tuesday after the first Monday in
16 November, in even-numbered years, and the warning for each meeting shall
17 contain an article, in substance as follows:

18 "To see if the ~~freemen and freewomen~~ voters will vote to accept or reject
19 ~~the proposed article of amendment to the Constitution of Vermont.~~"

1 ~~(b) The omission of that article from the warning shall not invalidate nor~~
2 affect the vote on the proposed article of amendment, and the ~~freemen and~~
3 ~~freewomen~~ voters of each town or city shall vote on the article of amendment
4 whether the warning contains the foregoing article or not.

5 § 1843. PROCESS OF VOTING; MAKING RETURNS; CONDUCT OF
6 MEETINGS

7 (a)(1) At those meetings the ~~freemen and freewomen~~ voters may vote by
8 ballot for or against the article of amendment.

9 (2) The same officer shall preside in each such meeting as provided in
10 section 2680 of this title.

11 (b) The board of civil authority shall, in open meeting, receive, sort, and
12 count the votes of the ~~freemen and freewomen~~ voters for and against the article
13 of amendment and the result shall be declared by the presiding officer. That
14 result shall be recorded by the clerk of the town or city and true returns thereof
15 shall be made, sealed up and sent by the clerk by mail or otherwise to the
16 Secretary of State as provided in section 2588 of this title.

17 (c) The ~~ballot boxes for the reception of votes~~ polls for voting on the
18 article of amendment shall be ~~opened and shall close~~ open as provided in
19 ~~section 2561 of this title.~~

1 ~~§ 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;~~

2 BALLOTS

3 (a)(1) The Secretary of State shall, between September 25 and October 1 in
4 any year in which a vote on ratification of an article of amendment is taken,
5 prepare copies of the proposal of amendment and forward them, with a
6 summary of proposed changes, for publication in at least two newspapers
7 having general circulation in the State, as determined by the Secretary of State.

8 (2) The proposal shall be so published once each week for three
9 successive weeks in each of the papers at the expense of the State and on the
10 websites of the General Assembly and the Office of the Secretary of State.

11 (b) The Secretary of State shall cause ballots to be prepared for a vote by
12 the ~~freemen and freewomen~~ voters of the State upon the proposal of
13 amendment.

14 § 1845. QUALIFICATIONS OF VOTERS; CHECKLISTS, BOOTHS,

15 CLERKS

16 The qualifications of voters on the proposal of amendment, the checklist
17 requirements for the election, and all other provisions relating to the conduct
18 of the election shall be the same as those required of voters at general elections
19 under sections 2121-2126 of this title and sections 2141-2150 of this title
20 relating to checklists shall apply, but the checklist specified in section 2141 of
21 this title to be used at the meetings under this act shall be prepared and posted

1 ~~at least 30 days before the first Tuesday after the first Monday in November, in~~
2 ~~even-numbered years. Voting booths shall be prepared and the ballot clerks~~
3 ~~and assisting clerks shall be appointed, as in case of general elections.~~

4 § 1846. FAILURE TO POST CHECKLISTS

5 The failure of the selectboard of any town, or the proper officers of any
6 city, to prepare and post checklists of the ~~freemen and freewomen~~ voters of the
7 town or city ~~at least 30 days before the first Tuesday after the first Monday in~~
8 ~~November, in even-numbered years,~~ as provided by section 1845 2141 of this
9 title, shall not invalidate the votes given by the ~~freemen and freewomen~~ voters
10 of the town or city upon the proposed article of amendment.

11 * * *

12 § 1848. TABULATION OF RETURNS; RECORD OF AMENDMENTS

13 The Governor and Secretary of State shall, on the second Tuesday of
14 December, of the year in which a vote on ratification of an article of
15 amendment is taken, open and tabulate the returns made under section 1843 of
16 this ~~title~~ chapter; and if it appears therefrom that the article of amendment has
17 been ratified and adopted by a majority of the ~~freemen and free women~~ voters
18 voting thereon, the amendment shall be enrolled on the parchment and
19 deposited in the office of the Secretary of State as a part of the Constitution of
20 this State and shall, in all future official revisions of the laws, be published in
21 ~~immediate connection therewith.~~

1 ~~§ 1849. PROCLAMATION BY GOVERNOR~~

2 The Governor shall thereupon forthwith issue his or her proclamation,
3 attested by the Secretary of State, reciting the article of amendment and
4 announcing the ratification and adoption of it by the people of this State under
5 this chapter and that the amendment has become a part of the Constitution
6 thereof and requiring all magistrates and officers, and all citizens of the State
7 to take notice thereof and govern themselves accordingly; or that the article of
8 amendment has been rejected, as the case may be.

9 § 1850. TRANSMISSION OF COPIES OF ACT CHAPTER AND FORMS
10 TO CLERKS

11 (a) The Secretary of State shall send to the clerk of each city and town a
12 copy of this act chapter at least two months before the vote on the ratification
13 of an article of amendment.

14 (b) In any year in which a vote on ratification of an article of amendment is
15 taken, the Secretary of State shall, within the period prescribed by section
16 1844 of this ~~title~~ chapter, send to the clerk of each city and town ballots
17 provided for in that section ~~1844 of this title~~ and blank forms for the returns of
18 votes on the article of amendment.

19 * * * Reapportionment * * *

20 Sec. 2. 17 V.S.A. § 1881a is amended to read:

21 § 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION
22

1 ~~(c)(1) Petitions for nominating candidates for Senator in the General~~
2 Assembly by primary or by certificates of nomination of candidates for that
3 office by convention, caucus, committee, or voters under chapter 49 of this
4 title may be filed in the office of any county clerk in a senatorial district.

5 (2)(A) On the day after the last day for filing those petitions or
6 certificates for that office, the other county clerk shall notify the senatorial
7 district clerk of the facts concerning those petitions or certificates.

8 (B) The senatorial district clerk shall be responsible for determining
9 the names of candidates and other facts required by law to appear on the ballot
10 for the office of Senator, and for obtaining and distributing the ballots to the
11 other clerks in the district. ~~In senatorial districts, the ballots for Senator in the~~
12 ~~General Assembly shall be separate from those for other county officers.~~

13 * * *

14 Sec. 3. 17 V.S.A. § 1901 is amended to read:

15 § 1901. PURPOSE

16 (a) The Supreme Court of the United States has ruled that the Equal
17 Protection Clause of the Fourteenth Amendment to the U.S. Constitution
18 requires all state legislative bodies to be apportioned in such manner as to
19 achieve substantially equal weighting of the votes of all voters in the choice of
20 ~~legislators.~~

1 ~~(b) To comply with such requirement it will be necessary to reapportion the~~
2 House of Representatives and Senate at periodic intervals, so that changes may
3 be recognized in legislative apportionment.

4 (c) It is the purpose of this chapter to achieve such reapportionment in an
5 orderly and impartial manner.

6 Sec. 4. 17 V.S.A. § 1909 is amended to read:

7 § 1909. REVIEW

8 (a) Within 30 days of the effective date of any apportionment bill enacted
9 pursuant to section 1906b, 1906c, or 1907 of this ~~title~~ chapter, any five or
10 more ~~freemen and freewomen~~ voters of the State aggrieved by the plan or act
11 may petition the Supreme Court of Vermont for review of same.

12 (b) The sole grounds of review to be considered by the Supreme Court
13 shall be that the apportionment plan, or any part of it, is unconstitutional or
14 violates section 1903 of this ~~title~~ chapter.

15 * * *

16 * * * Voter Registration * * *

17 Sec. 5. 17 V.S.A. § 2145a is amended to read:

18 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
19 VEHICLES

20 (a) An application for, or renewal of, a motor vehicle driver's license or
21 nondriver identification card shall serve as a simultaneous application to
22 ~~register to vote unless the applicant checks the box on the application~~

1 ~~gnating that he or she declines to use the application as a voter registration~~

2 application.

3 * * *

4 (i) The Department of Motor Vehicles shall share its motor vehicle driver's
5 license and non driver identification card customer data with the Secretary of
6 State's office for the Secretary's use in conducting voter registration and voter
7 checklist maintenance activities.

8 Sec. 6. 17 V.S.A. § 2145b is amended to read:

9 § 2145b. VOTER REGISTRATION AGENCIES

10 (a) Each voter registration agency shall:

11 (1) distribute voter registration application forms approved under
12 section 2145 of this title;

13 (2) assist applicants in completing voter registration application forms,
14 unless the applicant refuses such assistance; and

15 (3) accept completed voter registration applications and transmit
16 completed applications to the Secretary of State not later than 10 days after the
17 date of acceptance, or before the date of any primary or general election,
18 whichever is sooner.

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

21 (c)(1) A voter registration agency shall provide each applicant who does

22 ~~not decline to register to vote the same degree of assistance with regard to the~~

1 ~~completion of the voter registration application that the office provides with~~
2 regard to the completion of its own forms, unless the applicant refuses such
3 assistance.

4 (2) If an agency provides services to a person with a disability at
5 the person's home, the agency shall provide the services described in
6 subsection (a) of this section at the person's home.

7 (d) The Secretary of State shall designate voter registration agencies that
8 shall provide qualified applicants for such agency's services, or qualified
9 inmates within the custody of the Department of Corrections, with automatic
10 voter registration as an integrated option on application forms for services or
11 benefits provided by those agencies. Prior to making any designation under
12 this subsection, the Secretary of State shall consult with the secretary or
13 commissioner of each voter registration agency to determine the feasibility of
14 integrating automatic voter registration into that voter registration agency's
15 normal course of business and to determine a reasonable timetable to complete
16 such integration where the Secretary deems appropriate.

17 (1) Such designations shall be limited to those voter registration
18 agencies or specific programs administered by such agencies that, in the
19 regular course of such agency's business, already collect and verify documents
20 necessary to provide proof of an individual's eligibility to vote under
21 subchapter 1 of this chapter.

1 ~~(2) On or before January 1 of each year, the Secretary shall:~~

2 ~~(A) publish on his or her official website a list of voter registration~~
3 ~~agencies designated under this subsection;~~

4 ~~(B) specify which programs or services offered by each agency are~~
5 ~~included within the designation; and~~

6 ~~(C) establish for each such newly designated agency the date by~~
7 ~~which its specified programs or services must comply with requirements of~~
8 ~~this subsection.~~

9 ~~(3) Following the date for compliance established by the Secretary for~~
10 ~~an agency's specified programs or services established under subdivision~~
11 ~~(2)(C) of this subsection, an application for services or benefits and any~~
12 ~~change of address form related to those services or benefits provided by the~~
13 ~~agency shall provide and request the following information and shall be in the~~
14 ~~form approved by the Secretary of State:~~

15 ~~(A) The applicant's citizenship.~~

16 ~~(B) The applicant's date of birth.~~

17 ~~(C) The applicant's town of legal residence.~~

18 ~~(D) The applicant's street address or a description of the physical~~
19 ~~location of the applicant's residence. The description must contain sufficient~~
20 ~~information so that the town clerk can determine whether the applicant is a~~
21 ~~resident of the town.~~

1 (E) The voter's oath

2 (F) The applicant's e-mail address, which shall be optional to provide.

3 (4) An application for a designated automatic voter registration agency's
4 services shall provide the following statements:

5 (A) "By signing and submitting this application, you are authorizing
6 the Department of Motor Vehicles to transmit this application to the Secretary
7 of State for voter registration purposes. YOU MAY DECLINE TO
8 REGISTER. Both the office through which you submit this application and
9 your decision of whether or not to register will remain confidential and will be
10 used for voter registration purposes only."

11 (B) "In order to be registered to vote, you must: (1) be a U.S.
12 citizen; (2) be a resident of Vermont; (3) have taken the voter's oath; and (4)
13 be 18 years of age or older. Any person meeting the requirements of (1)-(3)
14 who will be 18 years of age on or before the date of a general election may
15 register and vote in the primary election immediately preceding that general
16 election. Failure to decline to register is an attestation that you meet the
17 requirements to vote."

18 (e) A voter registration agency that provides services or assistance in
19 addition to conducting voter registration that has not been designated by the
20 Secretary of State to provide automatic voter registration under subsection (d)
21 of this section shall distribute a voter registration application with each

1 ~~ication for the services or assistance provided by the agency, and with each~~
2 recertification, renewal, or change of address form relating to those services or
3 assistance. In addition to the voter registration application form, the agency
4 shall distribute a separate form that includes the following:

5 * * *

6 (f) The Secretary of State shall have the authority to audit any voter
7 registration agency to determine compliance with the requirements of this
8 section and to require any voter registration agency to implement any remedial
9 measures necessary to ensure compliance with this section. The Secretary of
10 Administration shall provide the Secretary of State any assistance that is
11 necessary to ensure the cooperation of voter registration agencies in
12 implementing any remedial measures the Secretary of State requires under this
13 subsection.

14 Sec. 7. 17 V.S.A. § 2150 is amended to read:

15 § 2150. REMOVING NAMES FROM CHECKLIST

16 * * *

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

20 (1) If the board of civil authority is satisfied that a voter whose

21 ~~eligibility is being considered is still qualified to vote in the municipality, the~~

1 ~~voter's name shall remain on the checklist, and no further action shall be~~
2 ~~taken.~~

3 (2)(A)(i) If the board of civil authority does not immediately know that
4 the voter is still qualified to vote in the municipality, the board shall attempt to
5 determine with certainty what the true status of the voter's eligibility is.

6 (ii) The board of civil authority may consider and rely upon
7 official and unofficial public records and documents, including telephone
8 directories, city directories, newspapers, death certificates, obituary (or other
9 public notice of death), tax records, and any checklist or checklists showing
10 persons who voted in any election within the last four years.

11 (iii) The board of civil authority may also designate one or more
12 persons to attempt to contact the voter personally.

13 (B) Any voter whom the board of civil authority finds through such
14 inquiry to be eligible to remain on the checklist shall be retained without
15 further action being taken.

16 (C) The name of any voter proven to be deceased shall be removed
17 from the checklist.

18 (3)(A)(i) If after conducting its inquiry the board of civil authority or
19 town clerk is unable to locate a voter whose name is on the checklist, or if the
20 ~~inquiry reveals facts indicating that the voter may no longer be eligible to vote~~

1 ~~in the municipality, the board of civil authority or, upon request of the board,~~

2 the town clerk shall send a written notice to the voter.

3 (ii) The notice shall be sent by first-class mail to the most recent
4 known address of the voter, asking the voter to verify his or her current
5 eligibility to vote in the municipality.

6 (iii) The notice shall be sent with the required U.S. Postal Service
7 language for requesting change of address information.

8 (B) Enclosed with the notice shall be a postage paid pre-addressed
9 return form on which the voter may reply swearing or affirming the voter's
10 current place of residence as the municipality in question or alternatively
11 consenting to the removal of the voter's name.

12 (C) The notice required by this subsection shall also include the
13 following:

14 (A)(i) A statement informing the voter that if the voter has not
15 changed his or her residence, or if the voter has changed his or her residence
16 but the change was within the area covered by the checklist, the voter should
17 return the form to the town clerk's office. The statement shall also inform the
18 voter that if he or she fails to return the form as provided in this subdivision,
19 written affirmation of the voter's address shall be required before the voter is
20 permitted to vote.

1 ~~(B)(ii) Information concerning how the voter can register to vote in~~
2 another state or another municipality within this State.

3 (4) If the voter confirms in writing that the voter has changed his or her
4 residence to a place outside the area covered by the checklist, the board of civil
5 authority shall remove the voter's name from the checklist.

6 (5) In the case of voters who failed to respond to the notice sent
7 pursuant to subdivision (3) of this subsection, the board of civil authority shall
8 remove the voter's name from the checklist on the day after the second general
9 election following the date of such notice, if the voter has not voted or
10 appeared to vote in an election since the notice was sent or has not otherwise
11 demonstrated his or her eligibility to remain on the checklist.

12 (6)(A) Notwithstanding the provisions of subdivision (5) of this
13 subsection, if at any time subsequent to removal of a person's name from the
14 checklist, the board determines that the person was still qualified to vote and
15 that the voter's name should not have been removed, the board shall add the
16 person's name to the checklist as provided in section 2147 of this ~~title~~ chapter.

17 (B) The provisions of this chapter shall be liberally construed, so that
18 if there is any reasonable doubt whether a person's name should have been
19 removed from the checklist, the person shall have the right to have the
20 ~~person's name immediately returned to the checklist.~~

1 ~~(7)(A) The board of civil authority shall keep detailed records of its~~
2 proceedings under this subchapter for at least two years. These records, except
3 records relating to a person's decision not to register to vote or to the identity
4 of the voter registration agency through which any particular voter registered,
5 shall be public records and shall be available for inspection and copying at
6 actual cost. The records shall include:

7 ~~(A)(i)~~ in the case of each name removed from the checklist, a clear
8 statement of the reason or reasons for which the name was removed;

9 ~~(B)(ii)~~ in the case of the updating of the checklist required by
10 subsection (c) of this section, the working copy or copies of the checklist used
11 in the name by name review conducted to ascertain continued eligibility to
12 vote;

13 ~~(C)(iii)~~ the total number of new registrations occurring during the
14 period between general elections;

15 ~~(D)(iv)~~ the total number of persons removed from the checklist
16 during the period between general elections; and

17 ~~(E)(v)~~ lists of the names and addresses of all persons to whom
18 notices were sent under this subsection, and information concerning whether
19 or not each person to whom a notice was sent responded to the notice as of the
20 ~~date that inspection of the records is made.~~

1 ~~(B)(i) A letter certifying compliance with this section shall be filed~~
2 with the Secretary of State by September 20 of each odd-numbered year.

3 ~~(ii) Upon request of any Superior judge or upon request of the~~
4 ~~Secretary of State, the town clerk shall forward a certified copy of the records~~
5 ~~of checklist maintenance.~~

6 * * * Political Parties * * *

7 Sec. 8. 17 V.S.A. chapter 45 is amended to read:

8 CHAPTER 45. POLITICAL PARTIES

9 § 2301. ORGANIZATION OF MAJOR POLITICAL PARTIES

10 A major political party shall organize biennially as provided in this chapter.
11 ~~No~~ A person acting on behalf of a major political party shall not accept any
12 contribution or make any expenditure (except for the purpose of organizing
13 under this chapter) unless the party has a current certificate of organization on
14 file with the Secretary of State.

15 § 2302. STATE CHAIR TO CALL CAUCUS

16 (a) The chair of the State committee of a party shall set a date for members
17 of the party to meet in caucus in their respective towns, ~~which~~. The date shall
18 be between September 10 and September 30, inclusive, in each odd-numbered
19 year.

1 ~~(b) At least 14 days before the date set for the caucuses, the State chair~~
2 shall mail or electronically mail a notice of the date and purpose of the
3 caucuses to each town clerk and to each town and county chair of the party.

4 § 2303. TOWN CHAIR TO GIVE NOTICE

5 (a) The town chair or, if unavailable or if the records of the Secretary of
6 State show there is no chair, any three voters of the town shall arrange to hold
7 a caucus on the day designated by the State chair, in some public place within
8 the town and shall set the hour of the caucus.

9 (b)(1) At least five days before the day of the caucus, the town chair shall
10 post a notice of the date, purpose, time, and place of the caucus in the town
11 clerk's office and in at least one other public place in town.

12 (2) In towns of ~~3,000~~ 5,000 or more population, he or she shall also
13 publish the notice:

14 (A) in a newspaper having general circulation in the town; or

15 (B) in a nonpartisan electronic news media website or online forum
16 that specializes in news of the State or the community.

17 (c) If three voters arrange to call the caucus, the voters shall designate one
18 person among them to perform the duties prescribed in subsection (b) of this
19 section for the town chair.

20 ~~§ 2304. TOWN CAUCUS~~

1 ~~(a)(1) At the time and place set for the town caucus, the voters of the party~~
2 residing in the town shall meet in caucus and proceed to elect a town
3 committee, consisting of such number of voters of the town as the caucus
4 deems necessary, to serve during the following two years or until their
5 successors are elected or appointed.

6 ~~(2) Additional members of a town committee may be elected by the~~
7 town committee at any meeting, and may be eligible to vote on matters before
8 the town committee at that meeting or at the next meeting, as determined by
9 the members of the committee before the election.

10 ~~(b) The voter checklist used by the caucus shall be the most recent~~
11 checklist approved by the board of civil authority.

12 § 2305. FIRST MEETING OF TOWN COMMITTEE

13 ~~(a)(1) The first meeting of the town committee shall be held immediately~~
14 following adjournment of the caucus.

15 ~~(2) At this meeting, members of the town committee shall elect~~
16 committee officers and delegates to the county committee.

17 ~~(b) All officers and other members of the town committee and all delegates~~
18 to the county committee shall be voters of the town.

19 § 2306. PROCEDURE UPON FAILURE TO HOLD CAUCUS

20 If the voters of the party residing in any town fail to hold a caucus on the
21 day designated by the State ~~chairman~~ chair, any three or more voters of the

1 ~~party residing in the town may call and hold a caucus at any time thereafter in~~
2 ~~the manner provided above in sections 2303 through 2305 of this chapter.~~

3 ~~Those voters calling the caucus shall designate one of their number person~~
4 ~~among them to perform the duties prescribed above in section 2303 for the~~
5 ~~town chair.~~ 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE

6 DELEGATES

7 (a) Within 72 hours after the caucus, the chair and secretary of the town
8 committee shall ~~mail submit~~ to the Secretary of State and the chairs of the
9 State and county committees a copy of the notice calling the meeting and a
10 certified list of the names, ~~and mailing addresses, phone numbers, and emails~~
11 of the officers and members of the town committee and of the delegates to the
12 county committee.

13 (b) A committee is not considered organized until a certificate of
14 organization is filed by the State committee with the Secretary of State
15 pursuant to section 2313 of this chapter. ~~it has filed the material required by~~
16 ~~this section.~~

17 (c) The Secretary of State shall furnish forms for this purpose to the chair
18 of the State committee of a political party.

19 § 2308. COMPOSITION OF COUNTY COMMITTEE

20 (a) The number of delegates to the county committee that each town
21 ~~caucus is entitled to elect shall be apportioned by the State committee, based~~

1 ~~upon the number of votes cast for the party's candidate for Governor in the last~~
2 election, provided that each town caucus shall be entitled to elect at least two
3 delegates.

4 (b) Delegates to the county committee shall be voters of the town, but need
5 not be members of the town committee; ~~they~~.

6 (c) Delegates shall serve during the following for two years following their
7 election or until their successors are elected or appointed.

8 § 2309. FIRST MEETING OF COUNTY COMMITTEE

9 (a)(1) The chair of the State committee shall set a date, ~~not more than 45~~
10 ~~days after the date of the party's caucuses~~, for the first meeting of each county
11 committee.

12 (2) The State chair shall notify the chairs of the county committees of
13 the date of the meeting.

14 (3)(A) The chair of the county committee shall set the hour and place of
15 the meeting and shall notify all delegates-elect by mail or electronic mail not
16 less than 10 days prior to the meeting.

17 (B) If the chair of the county committee receives notice that a town
18 committee within the county has organized 10 or fewer days before the date of
19 the first meeting of the county committee, the chair ~~must~~ shall notify the newly
20 elected members within 48 hours of receiving notice of the organized town
21 committee.

1 ~~(1)(1) At the time and place set for the meeting, the delegates shall proceed~~
2 to elect their officers and perfect an organization of the county committee for
3 the ensuing two years.

4 (2) All officers and other members of the county committee and all
5 delegates to the State committee shall be voters of the county.

6 § 2310. ELECTION OF STATE COMMITTEE

7 (a)(1) The chair of the county committee shall be a member of the State
8 committee.

9 (2) Each county committee shall be entitled to elect at least two
10 additional members of the State committee. These delegates need not be
11 members of the county committee.

12 (3) If the rules or bylaws of a State committee provide for
13 apportionment of additional members of the State committee to come from the
14 county, the county committee also shall elect those additional members.

15 (b) All county committee members and officers and all persons elected to
16 the State committee shall be voters in the county from which they are elected.

17 (c) County committee members and delegates to the State committee shall
18 serve for ~~the following~~ two years following their election or until their
19 ~~successors are elected or appointed.~~

1 ~~§ 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE~~

2 COMMITTEE MEMBERS

3 (a) Within 72 hours of the first meeting of the county committee, its chair
4 and secretary shall ~~mail~~ submit to the Secretary of State and the chair of the
5 State committee a copy of the notice calling the meeting and a certified list of
6 the names, ~~and mailing addresses, phone numbers, and emails~~ of the officers
7 of the county committee and of the members elected by the county committee
8 to the State committee.

9 (b) A committee is not considered organized until a certificate of
10 organization is filed by the State committee with the Secretary of State
11 pursuant to section 2313 of this chapter. ~~It has filed the material required by~~
12 ~~this section.~~

13 (c) The Secretary of State shall prescribe and furnish forms for this
14 purpose.

15 § 2312. FIRST MEETING OF THE STATE COMMITTEE

16 (a) The chair of the State committee shall name an hour and place of
17 meeting ~~on a day not less than 15 nor more than 30 days after the day set for~~
18 ~~the first meeting of the county committee of the party, at which time the~~
19 members-elect of the State committee shall meet and perfect an organization of
20 the State committee for the ensuing two years.

1 ~~(b) The chair of the State committee shall notify all members-elect of the~~
2 State committee in writing, at least ~~seven~~ ten days before the day set for the
3 meeting.

4 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

5 (a)(1) Within 10 days after the first meeting of the State committee of a
6 party, the chair and secretary shall file in the office of the Secretary of State a
7 certificate stating that the party has completed its organization for the ensuing
8 two years and has substantially complied with the provisions of this chapter.

9 (2) However, no State committee shall be eligible to file a certificate of
10 organization unless it has town committees organized in at least 30 towns in
11 this State and county committees organized in at least seven counties by
12 January 1 of the year of the general election.

13 (b) The certificate of organization shall:

14 (1) set forth the names, and mailing addresses, phone numbers, and
15 emails of the officers and members of the State committee, together with the
16 counties that they represent. ~~It shall also;~~

17 (2) contain a listing of the towns and counties in which committees have
18 organized

19 (3) designate, in not more than three words, the name by which the
20 party shall be identified on any Australian ballot; and shall

21 ~~(4) be accompanied by a copy of the notice calling the meeting~~

1 * * *

2 ~~§ 2316. SECRET BALLOT~~

3 ~~At every caucus or meeting of a political committee, if there is a contest for~~
4 ~~nomination, recommendation, or election to any office or position, the vote~~
5 ~~shall be taken by secret written ballot. [Repealed.]~~

6 § 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY

7 ~~No~~ A voter shall not vote in ~~the biennial~~ a town, county, or State caucus of
8 ~~more than one party in the same year~~ twelve-month period, nor shall any voter
9 ~~simultaneously hold membership on the committees of more than one political~~
10 ~~party.~~

11 * * *

12 § 2319. PARTY CONVENTIONS FOR PLATFORMS AND
13 PRESIDENTIAL ELECTIONS

14 On or before the fourth Tuesday in September in each even-numbered year,
15 upon the call of the chair of the State committee of the party, a party platform
16 convention of each organized political party shall be held to make and adopt
17 the platform of the party. ~~In presidential years, the convention shall be the~~
18 ~~same convention held to nominate presidential electors.~~

19 * * *

20 * * * Nominations * * *

21 ~~Sec. 9. 17 V.S.A. chapter 19 is amended to read:~~

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CHAPTER 49. NOMINATIONS

Subchapter 1. Primary Elections

* * *

§ 2353. PETITIONS TO PLACE NAMES ON BALLOT

(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for ~~any~~ the office indicated, if ~~petitions~~ a petition containing the requisite number of signatures made by registered voters, in substantially the following form, ~~are~~ is filed with the proper official, together with the person's written consent to having his or her name printed on the ballot:

* * *

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

(2) A single petition shall contain only one office for which a person seeks to be a candidate.

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

* * *

§ 2368. CANVASSING COMMITTEE MEETINGS

~~After the primary election is conducted, the~~

1 ~~(1) The canvassing committee for State and national offices and~~
2 state wide public questions shall meet at 10 a.m. one week after the day of the
3 election.

4 ~~(2) The canvassing committee for county offices and, countywide public~~
5 questions, and State Senator shall meet at 10 a.m. on the third day following
6 the election.

7 ~~(3) The canvassing committees for local offices and, local public~~
8 questions, ~~including and~~ State Representative, shall meet at 10 a.m. on the day
9 after the election, except that in the case of canvassing committees for State
10 Representative in multi-town representative districts, the committees shall
11 meet at 10 a.m. on the third day after the election.

12 § 2369. DETERMINING WINNER; TIE VOTES

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

16 (b)(1) If, after the period for requesting a recount under section 2602 of
17 this title has expired, no candidate has requested a recount and two or more
18 candidates of the same party are tied for the same office, or if the results of
19 any recount result in a tie the choice among those tied shall be determined
20 upon five days' notice and not later than 10 days following the primary
21 election by the committee of that party, which shall meet to nominate a

1 ~~candidate from among the tied candidates. The committee that nominates a~~

2 candidate shall be as follows:

3 (A) the State committee of a party for a State or congressional office;

4 (B) the senatorial district committee for State Senate;

5 (C) the county committee for county office; or

6 (D) the representative district committee for a Representative to the

7 General Assembly.

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

10 * * *

11 § 2370. WRITE-IN CANDIDATES

12 (a)(1) In order to have votes counted for a write-in candidate under section
13 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
14 primary election, a write-in candidate shall file with the Secretary of State a
15 form consenting to candidacy for office. The consent form shall set forth the
16 name of the write-in candidate, the name of the office for which he or she
17 consents to be a candidate, the candidate's town of residence, and his or her
18 correct mailing address.

19 (2) The Secretary of State shall prepare and furnish forms for this

20 purpose.

1 ~~(b) A write-in candidate shall not qualify as a primary winner unless he or~~
2 ~~she~~

3 ~~(1) has complied with subsection (a) of this section; and~~

4 ~~(2) receives at least one-half the number of votes as the number of~~
5 ~~signatures required for his or her office on a primary petition, except that if a~~
6 ~~write-in candidate receives more votes than a candidate whose name is printed~~
7 ~~on the ballot, he or she may qualify as a primary winner.~~

8 ~~(b)(c) The write-in candidate who qualifies as a primary winner under this~~
9 ~~section must still be determined a winner under section 2369 of this chapter~~
10 ~~before he or she becomes the party's candidate in the general election.~~

11 * * *

12 * * *

13 Subchapter 3. Independent Candidates

14 § 2401. APPLICABILITY OF SUBCHAPTER

15 ~~(a)(1) A person may be nominated and have his or her name printed on the~~
16 ~~general election ballot for any office as an independent candidate by filing a~~
17 ~~consent similar in form to the consent prescribed by section 2361 of this ~~title~~~~
18 ~~chapter and a statement of nomination with the Secretary of State.~~

19 ~~(2) A person may be nominated as an independent candidate under this~~
20 ~~subchapter so long as the person does not also file a primary petition for that~~
21 ~~office under the provisions of subchapter 1 of this chapter, except that he or~~

1 ~~he may be nominated as an independent candidate following the primary~~
2 ~~election if the person had his or her name printed on the primary election~~
3 ~~ballot for the office but was defeated in the primary.~~

4 (b) In the case of a nomination for justice of the peace, the consent form
5 and statement of nomination shall be filed with the town clerk.

6 § 2402. REQUISITES OF STATEMENT

7 * * *

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

11 (A) for presidential and vice presidential offices, 1,000;

12 (B) for State and congressional offices, 500;

13 (C) for county officers or State Senators, 100;

14 (D) for Representative to the General Assembly, 50;

15 (E) for justice of the peace, 30 or one percent of the legal voters of
16 the municipality, whichever is less.

17 * * *

18 (d)(1) A statement of nomination and a completed and signed consent form
19 shall be filed:

20 * * *

1 ~~(C) in the case of any other independent candidate, not earlier than~~
2 the fourth Monday in April and not later than 5:00 p.m. on the ~~Thursday~~
3 ~~preceding Friday following~~ the primary election prescribed by section 2351 of
4 this chapter, and not later than 5:00 p.m. ~~of the third day prior to~~ on the day of
5 Friday following a special primary election.

6 * * *

7 Subchapter 4. Miscellaneous Provisions

8 * * *

9 § 2412a. INCOMPATIBLE OFFICES; CHOICE OF CANDIDACY

10 (a) A candidate who has been validly nominated by one of the methods
11 prescribed in this chapter for two or more offices that are incompatible under
12 Vt. Const. Ch. II, § 54 shall be required to choose the one incompatible office
13 for which he or she will be a candidate. A person may be a candidate for only
14 one incompatible office.

15 (b)(1) Such a candidate shall notify the Secretary of State of the
16 candidate's choice on or before 5:00 p.m. on the tenth day following the
17 primary.

18 (2) If a candidate fails to notify the Secretary by that deadline, the
19 Secretary shall provide on the ballot that the person is a candidate for the first
20 incompatible office named in the list set forth in Vt. Const. Ch. II, § 54 for
21 which the candidate was validly nominated.

1 * * *

2 § 2-14. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;
3 DISCLOSURE FORM

4 * * *

5 (d)(1) A senatorial district clerk or representative district clerk who
6 receives a disclosure form under this section shall forward a copy of the
7 disclosure to the Secretary of State within three business days of receiving it.

8 (2)(A) The Secretary of State shall post a copy of any disclosure forms
9 and tax returns he or she receives under this section on his or her official State
10 website. The forms shall remain posted on the Secretary's website until the
11 date of the filing deadline for petition and consent forms for major party
12 candidates for the statewide primary in the following election cycle.

13 * * *

14 * * * Election Complaint Procedure * * *

15 Sec. 10. 17 V.S.A. § 2458 is amended to read:

16 § 2458. COMPLAINT PROCEDURE

17 (a)(1) The Secretary of State shall adopt rules to establish a uniform and
18 nondiscriminatory complaint procedure to be used by any person who believes
19 that a violation of this title or any other provision of ~~Title III of United States~~
20 Public Law 107-252 52 U.S.C. chapter 209, subchapter III (Uniform and
21 Nondiscriminatory Election Technology and Administration Requirements)

1 ~~has occurred, is occurring, or is about to occur in the course of any election in~~
2 ~~which a candidate for federal office appears on the ballot.~~

3 ~~(b) For purposes of this section, "complaint" shall mean a statement in~~
4 ~~writing made by a voter stating, with particularity, the violation, notarized, and~~
5 ~~sworn or affirmed under penalty of perjury.~~

6 ~~(c) The Secretary's rules shall provide for an informal proceeding to hear~~
7 ~~complaints for all complainants unless a formal hearing is requested. Formal~~
8 ~~complaints held pursuant to this section shall be in conformance with the rules~~
9 ~~adopted by the Secretary.~~

10 ~~(d) Any decision of the Secretary may be appealed to the Superior Court in~~
11 ~~the county where the individual resides.~~

12 * * * Conduct of Elections * * *

13 Sec. 11. 17 V.S.A. § 2473 is amended to read:

14 § 2473. PROVISIONS RELATIVE TO PRESIDENTIAL ELECTION

15 * * *

16 (c)(1) If a candidate whose name is not printed on the ballot receives the
17 greatest number of votes for President, the Secretary of State shall notify him
18 or her of that fact, and within two weeks thereafter, the candidate shall file
19 with the Secretary of State, a list of ~~freemen and freewomen~~ voters equal to
20 the number of electors that the State is entitled to elect. The list shall be
21 ~~signed by the candidate personally.~~

1 ~~(2) The persons so named shall be electors, having the duties prescribed~~
2 in this title.

3 Sec. 12. 17 V.S.A. § 2474 is amended to read:

4 § 2474. CHOICE OF PARTY

5 (a)(1) A person nominated by any means for the same office by more than
6 one political party ~~may~~ shall elect, not later than 5:00 p.m. on the tenth day
7 following the primary election, the party ~~or parties in~~ for which the nominee
8 will be a candidate. A person may only be a candidate for one political party.

9 The nominee shall notify in writing the Secretary of State or town clerk, as the
10 case may be, of such choice by that deadline, and only the party ~~or parties~~ that
11 the nominee so elects shall be printed next to the nominee's name on the
12 ballot.

13 (2) If the nominee does not notify the Secretary of State or the town
14 clerk of his or her choice of party, the Secretary of State shall print on the
15 ballot ~~those parties~~ next to the nominee's name ~~by listing~~ the first party that
16 would apply as set forth in this order:

17 (A) the major political party for which the nominee had his or her
18 name printed on the ballot in the primary;

19 (B) ~~any~~ the major political ~~parties~~ party that nominated the nominee
20 by the party committee, in the order in which the nominations were submitted
21 ~~to the Secretary of State,~~

1 ~~(C) any the major political parties party for which the nominee~~
2 received write-in votes, in an order from highest to lowest vote counts; and

3 ~~(D) any the minor political parties party that nominated the nominee~~
4 by party committee, in the order in which the nominations were submitted to
5 the Secretary of State.

6 ~~(b)(1) A candidate for State office who is the nominee of two or more~~
7 ~~political parties shall file with the Secretary of State, not later than 5:00 p.m.~~
8 ~~the tenth day following the primary election, a statement designating for which~~
9 ~~party the votes cast for him or her shall be counted for the purposes of~~
10 ~~determining whether his or her designated party shall be a major political~~
11 ~~party. The party so designated shall be the first party to be printed~~
12 ~~immediately after the candidate's name on the ballot.~~

13 ~~(2) If a candidate does not file the statement by that deadline, the~~
14 ~~Secretary of State shall designate the party for which the votes cast shall be~~
15 ~~counted as provided in subdivision (a)(2) of this section. [Repealed.]~~

16 Sec. 13. 17 V.S.A. § 2508 is amended to read:

17 § 2508. CAMPAIGNING DURING POLLING HOURS; VOTER ACCESS

18 (a)(1) The presiding officer shall ensure during polling hours on the day of
19 the election that:

20 (A) within the building containing a polling place, no campaign
21 literature, stickers, buttons, name stamps, information on write-in candidates,
22 ~~or other political materials containing a reference to a candidate on the ballot,~~

1 ~~question the ballot, or organized political party are displayed, placed, handed~~

2 out, or allowed to remain;

3 (B) within the building containing a polling place, no candidate,
4 election official, or other person distributes election materials, solicits voters
5 regarding an item or candidate on the ballot, or otherwise campaigns; and

6 (C) on the walks and driveways leading to a building in which a
7 polling place is located, no candidate or other person physically interferes with
8 the progress of a voter to and from the polling place.

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

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

13 (c) The provisions of this section shall be posted in the notice required by
14 section 2521 of this title chapter.

15 * * * Early or Absentee Voters * * *

16 Sec. 14. 17 V.S.A. chapter 51, subchapter 6 is amended to read:

17 Subchapter 6. Early or Absentee Voters

18 § 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

19 (a) Deadline to file.

20 (1)(A) A voter who expects to be an early or absentee voter, or an

21 ~~authorized person on behalf of such voter, may apply for an early voter~~

1 ~~absentee ballot until 5:00 p.m. or the closing of the town clerk's office on the~~
2 day preceding the election.

3 ~~(B)~~ If a town clerk does not have regular office hours on the day
4 before the election and his or her office will not otherwise be open on that day,
5 an application may be filed until the closing of the clerk's office on the last day
6 that office has hours preceding the election.

7 ~~(A)~~ In cases of emergency, including unanticipated illness or injury,
8 at his or her discretion the town clerk may accept a request for an absentee
9 ballot after the deadline set forth in subdivision (1) of this subsection.

10 ~~(B)~~ In such cases of emergency, the ballot may be mailed,
11 electronically delivered, or delivered by two justices of the peace as set forth
12 in subsection 2539(b) of this subchapter.

13 (b) Place of filing.

14 (1) All applications shall be filed with the town clerk of the town in
15 which the early or absentee voter is registered to vote.

16 (2) The town clerk shall file written applications and memoranda of
17 verbal applications in his or her office, and shall retain the applications and
18 memoranda for 90 days following the election, at which time they may be
19 destroyed.

20 (c) Australian ballot. Voting by early voter absentee ballot shall be allowed
21 ~~only in elections using the Australian ballot system.~~

~~§ 2532. APPLICATIONS AUTHORIZED APPLICANTS, APPLICATION~~

FORM; DUPLICATES

(a) Authorized applicants.

(1)~~(A)~~ An early or absentee voter, or an authorized family member or health care provider acting in the voter's behalf, may apply for an early voter absentee ballot by telephone, in person, or in writing. "Family member" here means a person's spouse, children, brothers, sisters, parents, spouse's parents, grandparents, and spouse's grandparents.

(B) Any other authorized person may apply in writing or in person; provided, however, that voter authorization to such a person shall not be given by response to a robotic phone call.

(b)~~(2)~~ Form of application.

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

REQUEST FOR EARLY VOTER ABSENTEE BALLOT

Name of early or absentee voter: _____

Voter's Town of Residence: _____

Current physical address (address where you reside): _____

Telephone Number: _____ E-mail Address: _____

Date: _____

~~Request early voter absentee ballot(s) for the election(s) checked below.~~

1 ~~(1) Annual Town Meeting;~~

2 (2) All other local elections;

3 (3) August Primary Election;

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

5 (5) November General Election;

6 (6) All elections in this calendar year.

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

8 (1) Mail to voter at: _____

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

10 (2) Delivery by two Justices of the Peace (this may only be selected if
11 you are ill or if you, injured, or have a physical disability).

12 If applicant is other than early or absentee voter:

13 Name of applicant: _____

14 Address of applicant: _____

15 Relationship to early or absentee voter: _____

16 Organization, if applicable: _____

17 Date: _____ Signature of applicant: _____

18 ~~(3)~~(2) If the application is made by telephone or in writing, the
19 information supplied ~~must~~ shall be in substantial conformance with the
20 information requested on this form

1 ~~(b) A person temporarily residing in a foreign country who is eligible to~~
2 ~~register to vote in this State, or a military service absentee voter who is eligible~~
3 ~~to register to vote in this State, may apply for early voter absentee ballots in~~
4 ~~the same manner and within the same time limits that apply for other early or~~
5 ~~absentee voters. An official federal postcard application shall suffice as a~~
6 ~~simultaneous request for an application for addition to the checklist and for an~~
7 ~~early voter absentee ballot, when properly submitted. Any other person also~~
8 ~~may make a simultaneous request for an application for addition to the~~
9 ~~checklist and for an early voter absentee ballot.~~

10 (c) Simultaneous voter registration.

11 (1) If a person makes a simultaneous request to register to vote and to
12 apply for an early voter absentee ballot or if the request for an early voter
13 absentee ballot is made for a person who is not yet registered, and the request
14 is received by the town clerk receives the request prior to the deadline for
15 requesting to apply for early voter absentee ballots set forth in section 2531 of
16 this chapter subchapter, the town clerk shall mail a blank voter registration
17 application for addition to the checklist, together with a full set of early voter
18 absentee ballots, to that person.

19 (2) An official federal postcard application shall suffice as a
20 simultaneous application to register to vote and for an early voter absentee
21 ballot.

1 ~~(3)(A) All such voter registration applications for addition to the~~
2 ~~checklist that are returned to the town clerk before the close of the polls on~~
3 ~~election day shall be considered and acted upon by the board of civil authority~~
4 ~~before the ballots are counted.~~

5 ~~(B) If the voter registration application is approved and the voter's~~
6 ~~name added to the checklist, the early voter absentee ballots cast by that voter~~
7 ~~shall be treated as other valid early voter absentee ballots.~~

8 ~~(d) Application timeframe.~~

9 ~~(1) An application for an early voter absentee ballot shall be valid for~~
10 ~~the elections or the time frame specified by the applicant.~~

11 ~~(e)(2) A single application shall only be valid for any elections within the~~
12 ~~same calendar year.~~

13 ~~(f) A person residing in a State institution may apply for early voter~~
14 ~~absentee ballots in the same manner and within the same time limits that apply~~
15 ~~for other early or absentee voters.~~

16 ~~(g)(e) Duplicate early voter absentee ballots.~~

17 ~~(1)(A) The town clerk may, upon application, issue a duplicate early~~
18 ~~voter absentee ballot if the original ballot is not received by the voter within a~~
19 ~~reasonable period of time after mailing.~~

20 ~~(B) The application may be made by a person entitled to apply for an~~
21 ~~early voter absentee ballot under subsection (a) of this section and shall be~~

1 ~~accompanied by a sworn statement affirming that the voter has not received~~
2 the original ballot.

3 (2) If a duplicate early voter absentee ballot is issued and both the
4 duplicate and original early voter absentee ballots are received before the close
5 of the polls on election day, the ballot with the earlier postmark shall be
6 counted.

7 ~~(h)(f) Unauthorized applicants.~~

8 (1) Any person who applies for an early voter absentee ballot knowing
9 the person is without authorization from the early or absentee voter shall be
10 fined not more than \$100.00 per violation for the first three violations; not
11 more than \$500.00 per violation for the fourth through ninth violations; and
12 not more than \$1,000.00 per violation for the tenth and subsequent violations.

13 (2) The Attorney General or a State's Attorney, whenever he or she has
14 reason to believe any person to be or to have been in violation of this
15 provision, shall conduct a civil investigation in accordance with the procedures
16 set forth in section 2904 of this title.

17 * * *

18 § 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK'S

19 OFFICE

1 ~~(c)(1) A voter may, if he or she chooses, apply in person to the town clerk~~
2 for the early voter absentee ballots and envelopes rather than having them
3 mailed as required by section 2539 of this subchapter.

4 (2) In this case, the clerk shall furnish the early voter absentee ballots
5 and envelopes when a valid application has been made, or at such time as the
6 clerk receives the ballots, whichever comes first.

7 (3) The voter may:

8 (A) mark his or her ballots, place them in the envelope, sign the
9 certificate, and return the ballots in the envelope containing the certificate to
10 the town clerk or an assistant town clerk without leaving the office of the town
11 clerk; ~~or the voter may~~

12 (B) take the ballots and return them to the town clerk in the same
13 manner as if the ballots had been received by mail.

14 (b) ~~No person, except~~ Except for justices of the peace as provided in
15 section 2538 of this subchapter, ~~may a person shall not~~ take any ballot from
16 the town clerk on behalf of any other person.

17 § 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

18 (a)(1) In the case of persons who are early or absentee voters due to illness,
19 injury, or ~~physical~~ disability, ballots shall be delivered in the following
20 ~~manner, unless the early or absentee voter has requested pursuant to section~~

1 ~~2459 of this title subchapter that the early voter absentee ballots be mailed or~~
2 electronically delivered.

3 (2) Not later than three days prior to the election, the board of civil
4 authority or, upon request of the board, the town clerk, shall designate in pairs
5 justices of the peace in numbers sufficient to deliver early voter absentee
6 ballots to the applicants for early voter absentee ballots who have stated in
7 their applications that they are unable to vote in person at the polling place due
8 to illness, injury, or physical disability ~~but who have not requested in their~~
9 ~~applications that early voter absentee ballots be mailed to them.~~ No A pair
10 shall not consist of two justices from the same political party.

11 (3) If there shall not be available a sufficient number of justices to make
12 up the required number of pairs, a member of each remaining pair shall be
13 designated by the board, to be selected from lists of registered voters submitted
14 by the chairs of the town committees of political parties, and from among
15 registered voters who in written application to the board state that they are not
16 affiliated with any political party.

17 (4) ~~No~~ A candidate or spouse, parent, or child of a candidate shall not
18 be eligible to perform the duties prescribed by this section unless the candidate
19 involved is not disqualified by section 2456 of this ~~title~~ chapter from serving
20 as an election official. ~~This shall not prevent a candidate for a district office~~
21 ~~from serving as a justice in another district.~~

1 ~~(5) The compensation of justices and voters designated under this~~
2 subsection shall be fixed by the board of civil authority and shall be paid by
3 the town.

4 ~~(6) The justices may, but shall not be required to, deliver ballots outside~~
5 ~~of the town.~~

6 (b)(1) The town clerk shall divide the list of applicants who have an illness,
7 injury, or ~~physical~~ disability into approximately as many equal parts as there
8 are pairs of justices so designated, having regard to the several parts of the
9 town in which the applicants may be found.

10 (2) As soon as early voter absentee ballots are available, the clerk shall
11 deliver to each pair of justices one part of the list, together with early voter
12 absentee ballots and envelopes for each applicant.

13 (3) When justices receive ballots and envelopes prior to election day,
14 they shall receive only the ballots and envelopes they are assigned to deliver
15 on that day.

16 (c)(1) Each pair of justices on the days they are assigned to deliver the
17 ballots and envelopes shall call upon each of the early or absentee voters
18 whose name appears on the part of the list furnished to them and shall deliver
19 early voter absentee ballots and envelopes to each early or absentee voter.

20 (2) The early or absentee voter shall then proceed to mark the ballots
21 ~~alone or in the presence of the justices, but without exhibiting them to the~~

1 ~~justices or to any other person, except that when the early or absentee voter is~~
2 blind or physically unable to mark his or her ~~ballet~~ ballots, they may be
3 marked by one of the justices in full view of the other.

4 § 2539. MAILING DELIVERY OF EARLY VOTER ABSENTEE

5 BALLOTS; VOTERS WHO ARE PERMANENTLY DISABLED

6 (a) Default; town office or mail.

7 (1) Unless Except as provided in subsections (b) and (c) of this section,
8 unless the early or absentee voter votes in the town clerk's office as set forth in
9 section 2537 of this subchapter, ~~or unless the justices are to deliver the early~~
10 ~~voter absentee ballots to the early or absentee voter,~~ the town clerk shall
11 provide to the early or absentee voter who comes to the town clerk's office a
12 complete set of early voter absentee ballots, or mail a complete set of early
13 voter absentee ballots to each early or absentee voter for whom a valid
14 application has been filed.

15 (2) The early voter absentee ballots shall be mailed forthwith upon the
16 filing of a valid application, or upon the town clerk's receipt of the necessary
17 ballots, whichever is later.

18 (b) Voters who are ill, injured, or have a disability. In the case of persons
19 who are early or absentee voters due to illness, injury, ~~or physical disability,~~ if
20 the voter or authorized person requests in his or her application or otherwise

21 ~~that early voter absentee ballots be mailed rather than delivered by justices of~~

1 ~~the paper or electronically delivered, the town clerk shall mail or~~
2 electronically deliver the ballots; otherwise the ballots shall be delivered to
3 ~~such voters~~ the voter by justices of the peace as set forth in section 2538 of this
4 subchapter. ~~In the case of all other early or absentee voters, the town clerk~~
5 ~~shall mail the early voter absentee ballots, unless the voter chooses to apply~~
6 ~~and vote in person at the town clerk's office.~~

7 (c) Military or overseas voters.

8 (1) Early voter absentee ballots ~~to~~ for military or overseas voters shall
9 be sent air mail, first class, postpaid when such service is available, or they
10 may be ~~sent by email~~ electronically delivered when requested by the voter.

11 (2)(A) The town clerk's office shall be open on the 46th day before any
12 election that includes a federal office and the town clerk shall send on or
13 before that day all absentee ballots to any military or overseas voter who
14 requested an early voter absentee ballot on or before that day.

15 (B) On that day the town clerk shall complete any reporting
16 requirements and any other responsibilities regarding the mailing of early
17 voter absentee ballots to military or overseas voters, as directed by the
18 Secretary of State.

19 ~~§ 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS~~

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

4 INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

- 5 1. Mark the ballots.
6 2. Place them in this envelope.
7 3. Fill out and sign the certificate on the envelope.
8 4. Mail or deliver the envelope containing the ballots to the town clerk of the
9 town where you are a registered voter in time to arrive not later than election
10 day.

11 Note: If these ballots have been brought to you personally by two
12 justices of the peace because of your illness, injury or ~~physical~~ disability, just
13 return them to the justices after you have signed the envelope. YOU HAVE
14 THE RIGHT TO MARK YOUR BALLOTS IN PRIVATE - but if you ask for
15 help in filling out the ballots, they will give it to you.

16 BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS
17 ENVELOPE OR YOUR VOTE WILL NOT COUNT!

18 (b) In the case of early absentee voting in a primary, the instructions shall
19 also include appropriate instructions prepared by the Secretary of State for
20 separating and depositing unvoted ballots in a separate envelope provided and
21 ~~clearly marked for that purpose~~

1 ~~§ 2541. MARKING OF BALLOTS~~

2 (a) An early or absentee voter to whom ballots, envelopes, and instructions
3 are mailed shall mark the ballots in accordance with the instructions.

4 (b) ~~When an early or absentee voter is blind or is physically unable to go to~~
5 ~~the polls to vote in person or to mark his or her ballots, they may be marked by~~
6 ~~one of the officers who delivers the ballots, in the presence of the other officer.~~

7 A person who gives assistance to a voter in the marking or registering of
8 ballots shall not in any way divulge any information regarding the choice of
9 the voter or the manner in which the voter's ballot was cast.

10 (c) If an early or absentee voter makes an error in marking a ballot, the
11 voter may return that ballot by mail or in person to the town clerk and receive
12 another ballot, consistent with the provisions of section 2568 of this title
13 chapter.

14 * * *

15 § 2547. DEFECTIVE BALLOTS

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

19 (1) the identity of the early or absentee voter cannot be determined;

20 ~~(2) the early or absentee voter is not legally qualified to vote,~~

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

1 ~~voter's intent, shall constitute a vote for that candidate, even though the voter~~
2 did not fill in the square or oval after the name.

3 (2)(A) A vote for a write-in candidate shall be counted as blank, unless
4 the write-in candidate filed with the Secretary of State not later than 5:00 p.m.
5 on the second Friday preceding the general election a form consenting to
6 candidacy for that office. The consent form shall set forth the name of the
7 candidate, the name of the office for which he or she consents to be a
8 candidate, the candidate's town of residence, and his or her correct mailing
9 address.

10 (B) The Secretary of State shall prepare and furnish forms for this
11 purpose.

12 (3) The election officials counting ballots and tallying results shall only
13 list every person ~~those write-in candidates~~ who ~~receives~~ received a "write-in"
14 vote and who complied with subdivision (2) of this subsection, and the number
15 of votes received.

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

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

21

1 *** Recounts ***

2 Sec. 17. 17 V.S.A. § 2601 is amended to read:

3 § 2601. RECOUNT THRESHOLD

4 (a)(1) In an election for federal office, statewide office, county office, or
5 State Senator, if the difference between the number of votes cast for a winning
6 candidate and the number of votes cast for a losing candidate is two percent or
7 less of the total votes cast for all the candidates for an office, divided by the
8 number of persons to be elected, that losing candidate shall have the right to
9 have the votes for that office recounted.

10 (2) In an election for State Representative, if the difference between the
11 number of votes cast for a winning candidate and the number of votes cast for
12 a losing candidate is five percent or less of the total votes cast for all the
13 candidates for an office, divided by the number of persons to be elected, that
14 losing candidate shall have the right to have the votes for that office recounted.

15 (b) In the case of a recount for a local election, the threshold and
16 procedures for conducting the recount shall be as provided in chapter 55,
17 subchapter 3 of this title.

18 Sec. 18. 17 V.S.A. § 2602k is amended to read:

19 § 2602k. RECOUNT TIES

20 (a)(1) If a recount of a primary election results in a tie, the provisions of
21 subsection 2369(b) of this title shall apply.

1 ~~(2) If a recount of a public question results in a tie, a runoff election~~
2 ~~shall not be held, and the question shall be certified not to have passed.~~

3 ~~(3) If the a recount of a general election results in a tie, the provisions of~~
4 ~~this section shall apply, and the court shall order a runoff election to be held,~~
5 ~~within three weeks of the recount, on a date set by the court.~~

6 ~~(b) The only candidates who shall appear on the ballot at the runoff~~
7 ~~election shall be those who tied in the previous election.~~

8 ~~(c) The runoff election shall be considered a separate election for the~~
9 ~~purpose of voter registration under chapter 43 of this title.~~

10 ~~(d) If the recount confirms a tie as to any public question, a runoff election~~
11 ~~shall not be held, and the question shall be certified not to have passed.~~

12 ~~[Repealed.]~~

13 ~~(e) Warnings for a runoff election shall be posted as required by subchapter~~
14 ~~5 of this chapter, except that the warnings shall be posted not less than 10 days~~
15 ~~before the runoff election.~~

16 ~~(f) The conduct of a runoff election shall be as provided in this chapter for~~
17 ~~general elections.~~

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

6 * * *

7 Sec. 21. 17 V.S.A. § 2681a is amended to read:

8 § 2681a. LOCAL ELECTION BALLOTS

9 (a)(1) Ballots Except as provided in subdivision (2) of this subsection,
10 ballots for local officers and local public questions shall be prepared at town
11 expense, under the direction of the town clerk, not later than 20 days before
12 the local election.

13 (2) If a local election is being held on the same day as a statewide
14 primary or general election, excluding the presidential primary, ballots for that
15 local election shall be prepared at town expense, under the direction of the
16 town clerk, not later than 46 days before the local election.

17 (3) These Local election ballots may be any color and the printing shall
18 be black; in other respects, they shall conform as nearly as may be practicable
19 to the form of the consolidated ballot in chapter 51, subchapter 2 of this title,
20 except as otherwise provided in this section.

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

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

4 ~~(c) No~~ A political party or other designation shall not be listed unless the
5 municipal charter provides for such listing, the town has voted at an earlier
6 election to provide such a listing or, in the absence of previous consideration
7 of the question by the town, the legislative body decides to permit listing. If
8 political party or other designations are permitted, ~~no~~ a candidate shall not use
9 the name of a political party whose certificate of organization has been filed
10 properly with the Secretary of State unless the candidate has been endorsed by
11 a legally called town caucus of that political party for the office in question. In
12 any event, the candidate must still file the petition and consent form required
13 by section 2681 of this ~~title~~ chapter.

14 ~~(d) The names of candidates for the same office, but for different terms of~~
15 service, shall be arranged in groups according to the length of their respective
16 terms.

17 ~~(e) Public questions shall be written in the form of a question, with boxes~~
18 indicating a choice of “yes” and “no” directly under or to the right side of the
19 public question. ~~No~~ A public question shall not pass unless a majority of the
20 votes, excluding blank and overvotes, is cast in favor of the proposition.

21 ~~*** Voting on Town Manager Form of Governance ***~~

1 ~~Sec. 22, 24 V.S.A., chapter 37 is amended to read:~~

2 CHAPTER 37. TOWN, CITY, OR VILLAGE MANAGERS

3 * * *

4 § 1241. PETITION; WARNING

5 When voters, in number equal to five percent of the ~~legal~~ registered voters
6 in town, petition the selectboard ~~therefor~~ in writing to adopt or rescind the
7 town manager form of governance, the warning for the annual or special
8 meeting ~~which~~ that shall be called upon such petition shall contain an article in
9 substantially the ~~following form set forth in section 1243 of this chapter:~~ “To
10 see if the town will vote to take advantage of the provisions of chapter 37 of
11 Title 24 of the Vermont Statutes Annotated and authorize the selectboard to
12 employ a town manager.”

13 * * *

14 § 1243. METHOD OF VOTING

15 ~~When the question of the adoption or rejection of~~ A town may vote at an
16 annual or special meeting to adopt or rescind the provisions of this chapter is
17 submitted to a meeting wherein the Australian ballot system is used for the
18 election of officers, there. A vote on the question shall be printed upon the
19 ballots below the list of candidates the following question in substantially the
20 following form.

1 ~~““Will Shall the [town name] vote to take advantage of [adopt/rescind] the~~
2 ~~town manager form of governance in accordance with the provisions of~~
3 ~~chapter 37 of Title 24 of the Vermont Statutes Annotated and authorize the~~
4 ~~selectboard to employ a town manager?”~~

5 Yes — No

6 ~~And the voter shall make a cross or X in the blank space against the answer~~
7 ~~he or she desires to give concerning such question. The ballots shall be~~
8 ~~counted forthwith by the board of civil authority and the result announced by~~
9 ~~the presiding officer.~~

10 * * *

11 * * * Campaign Finance Reporting Dates * * *

12 Sec. 23. 17 V.S.A. § 2964 is amended to read:

13 § 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,
14 THE GENERAL ASSEMBLY, AND COUNTY OFFICE;
15 POLITICAL COMMITTEES; POLITICAL PARTIES

16 (a)(1) Each candidate for State office, the General Assembly, or a two-
17 year-term county office who has rolled over any amount of surplus into his or
18 her new campaign or who has made expenditures or accepted contributions
19 of \$500.00 or more during the two-year general election cycle and, except as
20 provided in subsection (b) of this section, each political committee that has not
21 ~~filed a final report pursuant to subsection 2965(b) of this chapter, and each~~

1 ~~tical party required to register under section 2023 of this chapter shall file with~~

2 the Secretary of State campaign finance reports as follows:

3 (A) in the first year of the two-year general election cycle, on
4 July ~~15~~ 1; and

5 (B) in the second year of the two-year general election cycle:

6 (i) on March 15;

7 (ii) on July ~~15~~ 1 and August ~~15~~ 1;

8 (iii) on September 1;

9 (iv) on October 1, October 15, and the Friday before the general
10 election; and

11 (v) two weeks after the general election.

12 (2) Each candidate for a four-year-term county office who has rolled
13 over any amount of surplus into his or her new campaign or who has made
14 expenditures or accepted contributions of \$500.00 or more during the four-
15 year general election cycle shall file with the Secretary of State campaign
16 finance reports as follows:

17 (A) in the first three years of the four-year general election cycle, on
18 July ~~15~~ 1; and

19 (B) in the fourth year of the four-year general election cycle:

20 (i) on March 15;

21 ~~(ii) on July 15 1 and August 15 1,~~

(2) The same officer shall preside in each such meeting as provided in section 2680 of this title.

(b) The board of civil authority shall, in open meeting, receive, sort, and count the votes of the ~~freemen and freewomen~~ voters for and against the article of amendment and the result shall be declared by the presiding officer. That result shall be recorded by the clerk of the town or city and true returns thereof shall be made, sealed up and sent by the clerk by mail or otherwise to the Secretary of State as provided in section 2588 of this title.

(c) The ~~ballot boxes for the reception of votes~~ polls for voting on the article of amendment shall be ~~opened and shall close~~ open as provided in section 2561 of this title.

*§ 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;
BALLOTS*

(a)(1) The Secretary of State shall, between September 25 and October 1 in any year in which a vote on ratification of an article of amendment is taken, prepare copies of the proposal of amendment and forward them, with a summary of proposed changes, for publication in at least two newspapers having general circulation in the State, as determined by the Secretary of State.

(2) The proposal shall be so published once each week for three successive weeks in each of the papers at the expense of the State and on the websites of the General Assembly and the Office of the Secretary of State.

(b) The Secretary of State shall cause ballots to be prepared for a vote by the ~~freemen and freewomen~~ voters of the State upon the proposal of amendment.

*§ 1845. QUALIFICATIONS OF VOTERS; CHECKLISTS, BOOTHS,
CLERKS*

The qualifications of voters on the proposal of amendment, the checklist requirements for the election, and all other provisions relating to the conduct of the election shall be the same as those required of voters at general elections under sections 2121-2126 of this title and sections 2141-2150 of this title relating to checklists shall apply, but the checklist specified in section 2141 of this title to be used at the meetings under this act shall be prepared and posted at least 30 days before the first Tuesday after the first Monday in November, in even-numbered years. ~~Voting booths shall be prepared and the ballot clerks and assisting clerks shall be appointed, as in case of general elections.~~

§ 1846. FAILURE TO POST CHECKLISTS

The failure of the selectboard of any town, or the proper officers of any city,

to prepare and post checklists of the ~~freemen and freewomen~~ voters of the town or city at least 30 days before the first Tuesday after the first Monday in November, in even-numbered years, as provided by section 1845 2141 of this title, shall not invalidate the votes given by the ~~freemen and freewomen~~ voters of the town or city upon the proposed article of amendment.

* * *

§ 1848. *TABULATION OF RETURNS; RECORD OF AMENDMENTS*

The Governor and Secretary of State shall, on the second Tuesday of December, of the year in which a vote on ratification of an article of amendment is taken, open and tabulate the returns made under section 1843 of this title chapter; and if it appears therefrom that the article of amendment has been ratified and adopted by a majority of the ~~freemen and freewomen~~ voters voting thereon, the amendment shall be enrolled on the parchment and deposited in the office of the Secretary of State as a part of the Constitution of this State and shall, in all future official revisions of the laws, be published in immediate connection therewith.

§ 1849. *PROCLAMATION BY GOVERNOR*

The Governor shall thereupon forthwith issue his or her proclamation, attested by the Secretary of State, reciting the article of amendment and announcing the ratification and adoption of it by the people of this State under this chapter and that the amendment has become a part of the Constitution thereof and requiring all ~~magistrates and~~ officers, and all citizens of the State to take notice thereof and govern themselves accordingly; or that the article of amendment has been rejected, as the case may be.

§ 1850. *TRANSMISSION OF COPIES OF ~~ACT~~ CHAPTER AND FORMS TO CLERKS*

(a) The Secretary of State shall send to the clerk of each city and town a copy of this ~~act~~ chapter at least two months before the vote on the ratification of an article of amendment.

(b) In any year in which a vote on ratification of an article of amendment is taken, the Secretary of State shall, within the period prescribed by section 1844 of this ~~title~~ chapter, send to the clerk of each city and town ballots provided for in that section ~~1844 of this title~~ and blank forms for the returns of votes on the article of amendment.

** * * Reapportionment * * **

Sec. 2. 17 V.S.A. § 1881a is amended to read:

§ 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION

** * **

(c)(1) Petitions for nominating candidates for Senator in the General Assembly by primary or by certificates of nomination of candidates for that office by convention, caucus, committee, or voters under chapter 49 of this title may be filed in the office of any county clerk in a senatorial district.

(2)(A) On the day after the last day for filing those petitions or certificates for that office, the other county clerk shall notify the senatorial district clerk of the facts concerning those petitions or certificates.

(B) The senatorial district clerk shall be responsible for determining the names of candidates and other facts required by law to appear on the ballot for the office of Senator, and for obtaining and distributing the ballots to the other clerks in the district. ~~In senatorial districts, the ballots for Senator in the General Assembly shall be separate from those for other county officers.~~

** * **

Sec. 3. 17 V.S.A. § 1901 is amended to read:

§ 1901. PURPOSE

(a) The Supreme Court of the United States has ruled that the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution requires all state legislative bodies to be apportioned in such manner as to achieve substantially equal weighting of the votes of all voters in the choice of legislators.

(b) To comply with such requirement it will be necessary to reapportion the House of Representatives and Senate at periodic intervals, so that changes may be recognized in legislative apportionment.

(c) It is the purpose of this chapter to achieve such reapportionment in an orderly and impartial manner.

Sec. 4. 17 V.S.A. § 1909 is amended to read:

§ 1909. REVIEW

(a) Within 30 days of the effective date of any apportionment bill enacted pursuant to section 1906b, 1906c, or 1907 of this ~~title~~ chapter, any five or more ~~freemen and freewomen~~ voters of the State aggrieved by the plan or act may petition the Supreme Court of Vermont for review of same.

(b) The sole grounds of review to be considered by the Supreme Court shall be that the apportionment plan, or any part of it, is unconstitutional or violates section 1903 of this ~~title~~ chapter.

* * *

* * * *Voter Registration* * * *

Sec. 5. 17 V.S.A. § 2145a is amended to read:

*§ 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
VEHICLES*

(a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant checks the box on the application designating that he or she declines to use the application as a voter registration application.

* * *

(c) An application for voter registration under this section shall update any previous voter registration by the applicant. Any change of address form submitted to the Department of Motor Vehicles in connection with an application for a motor vehicle driver's license shall serve to update voter registration information previously provided by the voter, unless the voter states on the form that the change of address is not for voter registration purposes.

(d)(1) The Department of Motor Vehicles shall transmit motor vehicle driver's license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.

(2) The Department of Motor Vehicles shall not transmit motor vehicle driver's license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.

(3) The Department of Motor Vehicles shall ensure confidentiality of records as required by subdivision (b)(2)(A) of this section.

* * *

(i) Notwithstanding the provisions of subsection (d) of this section or any other provision of law to the contrary, the Department of Motor Vehicles shall share its motor vehicle driver's license, driver privilege card, and nondriver identification card customer data with the Secretary of State's office for the Secretary's use in conducting voter registration and voter checklist

maintenance activities.

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

§ 2150. REMOVING NAMES FROM CHECKLIST

** * **

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

(1) If the board of civil authority is satisfied that a voter whose eligibility is being considered is still qualified to vote in the municipality, the voter's name shall remain on the checklist, and no further action shall be taken.

(2)(A)(i) If the board of civil authority does not immediately know that the voter is still qualified to vote in the municipality, the board shall attempt to determine with certainty what the true status of the voter's eligibility is.

(ii) The board of civil authority may consider and rely upon official and unofficial public records and documents, including telephone directories, city directories, newspapers, death certificates, obituary (or other public notice of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years.

(iii) The board of civil authority may also designate one or more persons to attempt to contact the voter personally.

(B) Any voter whom the board of civil authority finds through such inquiry to be eligible to remain on the checklist shall be retained without further action being taken.

(C) The name of any voter proven to be deceased shall be removed from the checklist.

(3)(A)(i) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter:

(ii) The notice shall be sent by first-class mail to the most recent known address of the voter, asking the voter to verify his or her current eligibility to vote in the municipality.

(iii) The notice shall be sent with the required U.S. Postal Service language for requesting change of address information.

(B) Enclosed with the notice shall be a ~~postage-paid~~ postage-paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name.

(C) The notice required by this subsection shall also include the following:

(A)(i) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the change was within the area covered by the checklist, the voter should return the form to the town clerk's office. The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

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

(4) If the voter confirms in writing that the voter has changed his or her residence to a place outside the area covered by the checklist, the board of civil authority shall remove the voter's name from the checklist.

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

(6)(A) Notwithstanding the provisions of subdivision (5) of this subsection, if at any time subsequent to removal of a person's name from the checklist, the board determines that the person was still qualified to vote and that the voter's name should not have been removed, the board shall add the person's name to the checklist as provided in section 2147 of this ~~title~~ chapter.

(B) The provisions of this chapter shall be liberally construed, so that if there is any reasonable doubt whether a person's name should have been removed from the checklist, the person shall have the right to have the person's name immediately returned to the checklist.

(7)(A) The board of civil authority shall keep detailed records of its proceedings under this subchapter for at least two years. These records, except records relating to a person's decision not to register to vote or to the identity of the voter registration agency through which any particular voter registered, shall be public records and shall be available for inspection and copying at actual cost. The records shall include:

~~(A)(i)~~ in the case of each name removed from the checklist, a clear statement of the reason or reasons for which the name was removed;

~~(B)(ii)~~ in the case of the updating of the checklist required by subsection (c) of this section, the working copy or copies of the checklist used in the name by name review conducted to ascertain continued eligibility to vote;

~~(C)(iii)~~ the total number of new registrations occurring during the period between general elections;

~~(D)(iv)~~ the total number of persons removed from the checklist during the period between general elections; and

~~(E)(v)~~ lists of the names and addresses of all persons to whom notices were sent under this subsection, and information concerning whether or not each person to whom a notice was sent responded to the notice as of the date that inspection of the records is made.

~~(B)(i)~~ A letter certifying compliance with this section shall be filed with the Secretary of State ~~by~~ on or before September 20 of each odd-numbered year.

~~(ii)~~ Upon request of any Superior judge or upon request of the Secretary of State, the town clerk shall forward a certified copy of the records of checklist maintenance.

* * * Political Parties * * *

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

CHAPTER 45. POLITICAL PARTIES

§ 2301. ORGANIZATION OF MAJOR POLITICAL PARTIES

~~No~~ A major political party shall organize biennially as provided in this chapter. ~~A~~ A person acting on behalf of a major political party shall not accept any contribution or make any expenditure (except for the purpose of organizing under this chapter) unless the party has a current certificate of organization on file with the Secretary of State.

§ 2302. STATE CHAIR TO CALL CAUCUS

(a) The chair of the State committee of a party shall set a date for members of the party to meet in caucus in their respective towns, ~~which~~. The date shall be between September 10 and September 30, inclusive, in each odd-numbered year.

(b) At least 14 days before the date set for the caucuses, the State chair shall mail or electronically mail a notice of the date and purpose of the

caucuses to each town clerk and to each town and county chair of the party.

§ 2303. TOWN CHAIR TO GIVE NOTICE

(a) The town chair or, if unavailable or if the records of the Secretary of State show there is no chair, any three voters of the town shall arrange to hold a caucus on the day designated by the State chair, in some public place within the town and shall set the hour of the caucus.

(b)(1) At least five days before the day of the caucus, the town chair shall post a notice of the date, purpose, time, and place of the caucus in the town clerk's office and in at least one other public place in town.

(2) In towns of ~~3,000~~ 5,000 or more population, he or she shall also publish the notice:

(A) in a newspaper having general circulation in the town; or

(B) in a nonpartisan electronic news media website or online forum that specializes in news of the State or the community.

(c) If three voters arrange to call the caucus, the voters shall designate one person among them to perform the duties prescribed in subsection (b) of this section for the town chair.

§ 2304. TOWN CAUCUS

(a)(1) At the time and place set for the town caucus, the voters of the party residing in the town shall meet in caucus and proceed to elect a town committee, consisting of such number of voters of the town as the caucus deems necessary, to serve during the following two years or until their successors are elected or appointed.

(2) Additional members of a town committee may be elected by the town committee at any meeting, and may be eligible to vote on matters before the town committee at that meeting or at the next meeting, as determined by the members of the committee before the election.

(b) The voter checklist used by the caucus shall be the most recent checklist approved by the board of civil authority.

§ 2305. FIRST MEETING OF TOWN COMMITTEE

(a)(1) The first meeting of the town committee shall be held immediately following adjournment of the caucus.

(2) At this meeting, members of the town committee shall elect committee officers and delegates to the county committee.

(b) All officers and other members of the town committee and all delegates to the county committee shall be voters of the town.

§ 2306. PROCEDURE UPON FAILURE TO HOLD CAUCUS

If the voters of the party residing in any town fail to hold a caucus on the day designated by the State ~~chairman~~ chair, any three or more voters of the party residing in the town may call and hold a caucus at any time thereafter, in the manner provided above in sections 2303 through 2305 of this chapter. Those voters calling the caucus shall designate one of their number person among them to perform the duties prescribed above in section 2303 for the town chair.

§ 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE

DELEGATES

(a) Within 72 hours after the caucus, the chair and secretary of the town committee shall ~~mail~~ submit to the Secretary of State and the chairs of the State and county committees a copy of the notice calling the meeting and a certified list of the names, ~~and~~ mailing addresses, phone numbers, and e-mails of the officers and members of the town committee and of the delegates to the county committee.

(b) A committee is not considered organized until a certificate of organization is filed by the State committee with the Secretary of State pursuant to section 2313 of this chapter. ~~it has filed the material required by this section.~~

(c) The Secretary of State shall furnish forms for this purpose to the chair of the State committee of a political party.

§ 2308. COMPOSITION OF COUNTY COMMITTEE

~~*(a) The number of delegates to the county committee that each town caucus is entitled to elect shall be apportioned by the State committee, based upon the number of votes cast for the party's candidate for Governor in the last election, provided that each town caucus shall be entitled to elect at least two delegates.*~~

(a) The number of delegates to the county committee that each town caucus is entitled to elect shall be apportioned by the State committee, based upon the number of votes cast for the party's candidate for Governor in the last election, provided that each town caucus shall be entitled to elect at least two delegates.

(b) Delegates to the county committee shall be voters of the town, but need not be members of the town committee; ~~they~~.

(c) Delegates shall serve during the following for two years following their election or until their successors are elected or appointed.

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

(a)(1) ~~The chair of the State committee shall set a date, not more than 45 days after the date of the party's caucuses, for the first meeting of each county committee.~~

(2) ~~The State chair shall notify the chairs of the county committees of the date of the meeting.~~

(3)(A) ~~The chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail or electronic mail not less than 10 days prior to the meeting.~~

(B) If the chair of the county committee receives notice that a town committee within the county has organized 10 or fewer days before the date of the first meeting of the county committee, the chair ~~must~~ shall notify the newly elected members within 48 hours of receiving notice of the organized town committee.

(b)(1) ~~At the time and place set for the meeting, the delegates shall proceed to elect their officers and perfect an organization of the county committee for the ensuing two years.~~

(2) ~~All officers and other members of the county committee and all delegates to the State committee shall be voters of the county.~~

§ 2310. ELECTION OF STATE COMMITTEE

(a)(1) ~~The chair of the county committee shall be a member of the State committee.~~

(2) ~~Each county committee shall be entitled to elect at least two additional members of the State committee. These delegates need not be members of the county committee.~~

(3) ~~If the rules or bylaws of a State committee provide for apportionment of additional members of the State committee to come from the county, the county committee also shall elect those additional members.~~

(b) ~~All county committee members and officers and all persons elected to the State committee shall be voters in the county from which they are elected.~~

(c) ~~County committee members and delegates to the State committee shall serve for the following two years following their election or until their successors are elected or appointed.~~

§ 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE
COMMITTEE MEMBERS

(a) ~~Within 72 hours of the first meeting of the county committee, its chair and secretary shall mail submit to the Secretary of State and the chair of the State committee a copy of the notice calling the meeting and a certified list of the names, and mailing addresses, phone numbers, and e-mails of the officers of the county committee and of the members elected by the county committee to the State committee.~~

~~(b) A committee is not considered organized until it has filed the material required by this section a certificate of organization is filed by the State committee with the Secretary of State pursuant to section 2313 of this chapter.~~

~~(c) The Secretary of State shall prescribe and furnish forms for this purpose.~~

§ 2312. FIRST MEETING OF THE STATE COMMITTEE

~~(a) The chair of the State committee shall name an hour and place of meeting on a day not less than 15 nor more than 30 days after the day set for the first meeting of the county committee of the party, at which time the members-elect of the State committee shall meet and perfect an organization of the State committee for the ensuing two years.~~

~~(b) The chair of the State committee shall notify all members-elect of the State committee in writing, at least seven 10 days before the day set for the meeting.~~

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

~~(a)(1) Within 10 days after the first meeting of the State committee of a party, the chair and secretary shall file in the office of the Secretary of State a certificate stating that the party has completed its organization for the ensuing two years and has substantially complied with the provisions of this chapter.~~

~~(2) However, no State committee shall be eligible to file a certificate of organization unless it has town committees organized in at least 30 towns in this State and county committees organized in at least seven counties by January 1 of the year of the general election.~~

~~(b) The certificate of organization shall:~~

~~(1) set forth the names, and mailing addresses, phone numbers, and e-mails of the officers and members of the State committee, together with the counties that they represent. It shall also:~~

~~(2) contain a listing of the towns and counties in which committees have organized~~

~~(3) designate, in not more than three words, the name by which the party shall be identified on any Australian ballot; and shall~~

~~(4) be accompanied by a copy of the notice calling the meeting.~~

* * *

~~§ 2316. SECRET BALLOT~~

~~At every caucus or meeting of a political committee, if there is a contest for nomination, recommendation, or election to any office or position, the vote shall be taken by secret written ballot. [Repealed.]~~

~~§ 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY~~

~~No A voter shall not vote in the biennial a town, county, or State caucus of more than one party in the same year 12-month period, nor shall any voter simultaneously hold membership on the committees of more than one political party.~~

* * *

~~§ 2319. PARTY CONVENTIONS FOR PLATFORMS AND
PRESIDENTIAL ELECTIONS~~

~~On or before the fourth Tuesday in September in each even-numbered year, upon the call of the chair of the State committee of the party, a party platform convention of each organized political party shall be held to make and adopt the platform of the party. In presidential years, the convention shall be the same convention held to nominate presidential electors.~~

* * *

* * * Nominations * * *

~~Sec. 8. 17 V.S.A. chapter 49 is amended to read:~~

~~CHAPTER 49. NOMINATIONS~~

~~Subchapter 1. Primary Elections~~

* * *

~~§ 2353. PETITIONS TO PLACE NAMES ON BALLOT~~

~~(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for any the office indicated, if petitions a petition containing the requisite number of signatures made by registered voters, in substantially the following form, are is filed with the proper official, together with the person's written consent to having his or her name printed on the ballot:~~

* * *

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

(2) A single petition shall contain only one office for which a person seeks to be a candidate.

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

§ 2354. SIGNING PETITIONS

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

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

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

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

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

* * *

§ 2368. CANVASSING COMMITTEE MEETINGS

After the primary election is conducted, ~~the~~:

(1) The canvassing committee for State and national offices and statewide public questions shall meet at 10 a.m. one week after the day of the election.

(2) The canvassing committee for county offices ~~and~~ countywide public questions, and State Senator shall meet at 10 a.m. on the third day following the election.

(3) The canvassing committees for local offices ~~and~~ local public questions, ~~including and~~ State Representative, shall meet at 10 a.m. on the day after the election, except that in the case of canvassing committees for State Representative in multi-town representative districts, the committees shall meet at 10 a.m. on the third day after the election.

§ 2369. DETERMINING WINNER; TIE VOTES

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

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

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

(B) the senatorial district committee for State Senate;

(C) the county committee for county office; or

(D) the representative district committee for a Representative to the General Assembly.

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

* * *

Subchapter 3. Independent Candidates

* * *

§ 2403. NUMBER OF CANDIDATES; PARTY NAMES

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

* * *

Subchapter 4. Miscellaneous Provisions

* * *

*§ 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;
DISCLOSURE FORM*

* * *

(d)(1) A senatorial district clerk or representative district clerk who receives a disclosure form under this section shall forward a copy of the disclosure to the Secretary of State within three business days of receiving it.

(2)(A) The Secretary of State shall post a copy of any disclosure forms and tax returns he or she receives under this section on his or her official State website. The forms shall remain posted on the Secretary's website until the date of the filing deadline for petition and consent forms for major party candidates for the statewide primary in the following election cycle.

* * *

** * * Election Complaint Procedure * * **

Sec. 9. 17 V.S.A. § 2458 is amended to read:

§ 2458. COMPLAINT PROCEDURE

(a)(1) The Secretary of State shall adopt rules to establish a uniform and nondiscriminatory complaint procedure to be used by any person who believes that a violation of this title or any other provision of Title III of United States Public Law 107-252 52 U.S.C. chapter 209, subchapter III (Uniform and Nondiscriminatory Election Technology and Administration Requirements) has occurred, is occurring, or is about to occur in the course of any election in which a candidate for federal office appears on the ballot.

(b) ~~For purposes of~~ As used in this section, "complaint" shall mean means a statement in writing made by a voter stating, with particularity, the violation, notarized, and sworn or affirmed under penalty of perjury.

(c) The Secretary's rules shall provide for an informal proceeding to hear complaints for all complainants unless a formal hearing is requested. Formal complaints held pursuant to this section shall be in conformance with the rules adopted by the Secretary.

(d) Any decision of the Secretary may be appealed to the Superior Court in the county where the individual resides.

** * * Conduct of Elections * * **

Sec. 10. 17 V.S.A. § 2473 is amended to read:

§ 2473. PROVISIONS RELATIVE TO PRESIDENTIAL ELECTION

** * **

(c)(1) If a candidate whose name is not printed on the ballot receives the greatest number of votes for President, the Secretary of State shall notify him or her of that fact, and within two weeks thereafter, the candidate shall file with the Secretary of State, a list of ~~freemen and freewomen~~ voters equal to the number of electors that the State is entitled to elect. The list shall be signed by the candidate personally.

(2) The persons so named shall be electors, having the duties prescribed in this title.

Sec. 11. 17 V.S.A. § 2508 is amended to read:

§ 2508. CAMPAIGNING DURING POLLING HOURS; VOTER ACCESS

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

(A) within the building containing a polling place, no campaign literature, stickers, buttons, name stamps, information on write-in candidates, or other political materials that display the name of a candidate on the ballot or an organized political party or that demonstrate support or opposition to a question on the ballot are displayed, placed, handed out, or allowed to remain;

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

(C) on the walks and driveways leading to a building in which a polling place is located, no candidate or other person physically interferes with the progress of a voter to and from the polling place.

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

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

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

**** Early or Absentee Voters ****

Sec. 12. 17 V.S.A. chapter 51, subchapter 6 is amended to read:

Subchapter 6. Early or Absentee Voters

§ 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

(a) Deadline to file.

(1)(A) A voter who expects to be an early or absentee voter, or an authorized person on behalf of such voter, may apply for an early voter absentee ballot until 5:00 p.m. or the closing of the town clerk's office on the day preceding the election.

~~(2)(B)~~ If a town clerk does not have regular office hours on the day before the election and his or her office will not otherwise be open on that day, an application may be filed until the closing of the clerk's office on the last day that office has hours preceding the election.

(2)(A) In cases of emergency, including unanticipated illness or injury, at his or her discretion the town clerk may accept a request for an absentee ballot after the deadline set forth in subdivision (1) of this subsection.

(B) In such cases of emergency, the ballot may be mailed, electronically delivered, or delivered by two justices of the peace as set forth in subsection 2539(b) of this subchapter.

(b) Place of filing.

(1) All applications shall be filed with the town clerk of the town in which the early or absentee voter is registered to vote.

(2) The town clerk shall file written applications and memoranda of verbal applications in his or her office, and shall retain the applications and memoranda for 90 days following the election, at which time they may be destroyed.

(c) Australian ballot. Voting by early voter absentee ballot shall be allowed only in elections using the Australian ballot system.

§ 2532. APPLICATIONS AUTHORIZED APPLICANTS; APPLICATION FORM; DUPLICATES

(a) Authorized applicants.

(1)(A) An early or absentee voter, or an authorized family member or health care provider acting in the voter's behalf, may apply for an early voter absentee ballot by telephone, in person, or in writing. "Family As used in this subsection, "family member" here means a person's spouse, children, brothers, sisters, parents, spouse's parents, grandparents, and spouse's grandparents.

(B) Any other authorized person may apply in writing or in person; provided, however, that voter authorization to such a person shall not be given by response to a robotic phone call.

(b)(2) Form of application.

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

REQUEST FOR EARLY VOTER ABSENTEE BALLOT

Name of early or absentee voter: _____

Voter's Town of Residence: _____

Current physical address (address where you reside): _____

Telephone Number: _____ E-mail Address: _____

Date: _____

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

- (1) Annual Town Meeting;*
- (2) All other local elections;*
- (3) August Primary Election;*
- (4) Presidential Primary (YOU MUST SELECT PARTY);*
- (5) November General Election;*
- (6) All elections in this calendar year.*

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

*(1) Mail to voter at: _____
Street or P.O. Box Town/City State Zip Code*

(2) Delivery by two Justices of the Peace (this may only be selected if you are ill ~~or if you~~, injured, or have a physical disability).

If applicant is other than early or absentee voter:

Name of applicant: _____

Address of applicant: _____

Relationship to early or absentee voter: _____

Organization, _____ if _____ applicable:

Date: _____ Signature of applicant:

~~(3)(2) If the application is made by telephone or in writing, the information supplied must shall be in substantial conformance with the information requested on this form.~~

~~(b) A person temporarily residing in a foreign country who is eligible to register to vote in this State, or a military service absentee voter who is eligible to register to vote in this State, may apply for early voter absentee ballots in the same manner and within the same time limits that apply for other early or absentee voters. An official federal postcard application shall suffice as a simultaneous request for an application for addition to the checklist and for an early voter absentee ballot, when properly submitted. Any other person also may make a simultaneous request for an application for addition to the checklist and for an early voter absentee ballot.~~

~~(c) Simultaneous voter registration.~~

~~(1) If a person makes a simultaneous request to register to vote and to apply for an early voter absentee ballot or if the request for an early voter absentee ballot is made for a person who is not yet registered and the request is received by the town clerk receives the request prior to the deadline for requesting to apply for early voter absentee ballots set forth in section 2531 of this chapter subchapter, the town clerk shall mail a blank voter registration application for addition to the checklist, together with a full set of early voter absentee ballots, to that person.~~

~~(2) An official federal postcard application shall suffice as a simultaneous application to register to vote and for an early voter absentee ballot.~~

~~(3)(A) All such voter registration applications for addition to the checklist that are returned to the town clerk before the close of the polls on election day shall be considered and acted upon by the board of civil authority before the ballots are counted.~~

~~(B) If the voter registration application is approved and the voter's name added to the checklist, the early voter absentee ballots cast by that voter shall be treated as other valid early voter absentee ballots.~~

~~(d) Application time frame.~~

~~(1) An application for an early voter absentee ballot shall be valid for the elections or the time frame specified by the applicant.~~

~~(e)(2) A single application shall only be valid for any elections within the same calendar year.~~

~~(f) A person residing in a State institution may apply for early voter absentee ballots in the same manner and within the same time limits that apply for other early or absentee voters.~~

~~(g)(e) Duplicate early voter absentee ballots.~~

~~(1)(A) The town clerk may, upon application, issue a duplicate early voter absentee ballot if the original ballot is not received by the voter within a reasonable period of time after mailing.~~

~~(B) The application may be made by a person entitled to apply for an early voter absentee ballot under subsection (a) of this section and shall be accompanied by a sworn statement affirming that the voter has not received the original ballot.~~

~~(2) If a duplicate early voter absentee ballot is issued and both the duplicate and original early voter absentee ballots are received before the close of the polls on election day, the ballot with the earlier postmark shall be counted.~~

~~(h)(f) Unauthorized applicants.~~

~~(1) Any person who applies for an early voter absentee ballot knowing the person is without authorization from the early or absentee voter shall be fined not more than \$100.00 per violation for the first three violations; not more than \$500.00 per violation for the fourth through ninth violations; and not more than \$1,000.00 per violation for the tenth and subsequent violations.~~

~~(2) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this provision, shall conduct a civil investigation in accordance with the procedures set forth in section 2904 of this title.~~

* * *

§ 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK'S
OFFICE

~~(a)(1) A voter may, if he or she chooses, apply in person to the town clerk for the early voter absentee ballots and envelopes rather than having them mailed as required by section 2539 of this subchapter.~~

~~(2) In this case, the clerk shall furnish the early voter absentee ballots and envelopes when a valid application has been made, or at such time as the clerk receives the ballots, whichever comes first.~~

(3) *The voter may:*

(A) mark his or her ballots, place them in the envelope, sign the certificate, and return the ballots in the envelope containing the certificate to the town clerk or an assistant town clerk without leaving the office of the town clerk; or the voter may

(B) take the ballots and return them to the town clerk in the same manner as if the ballots had been received by mail.

(b) ~~No person, except~~ Except for justices of the peace as provided in section 2538 of this subchapter, may a person shall not take any ballot from the town clerk on behalf of any other person.

§ 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

(a)(1) In the case of persons who are early or absentee voters due to illness, injury, or physical disability, ballots shall be delivered in the following manner, unless the early or absentee voter has requested pursuant to section 2539 of this title subchapter that the early voter absentee ballots be mailed or electronically delivered.

(2) Not later than three days prior to the election, the board of civil authority or, upon request of the board, the town clerk, shall designate in pairs justices of the peace in numbers sufficient to deliver early voter absentee ballots to the applicants for early voter absentee ballots who have stated in their applications that they are unable to vote in person at the polling place due to illness, injury, or physical disability ~~but who have not requested in their applications that early voter absentee ballots be mailed to them.~~ No A pair shall not consist of two justices from the same political party.

(3) If there shall not be available a sufficient number of justices to make up the required number of pairs, a member of each remaining pair shall be designated by the board, to be selected from lists of registered voters submitted by the chairs of the town committees of political parties, and from among registered voters who in written application to the board state that they are not affiliated with any political party.

(4) ~~No A candidate or spouse, parent, or child of a candidate shall not~~ be eligible to perform the duties prescribed by this section unless the candidate involved is not disqualified by section 2456 of this title chapter from serving as an election official. This shall not prevent a candidate for district office from serving as a justice in another district.

(5) The compensation of justices and voters designated under this subsection shall be fixed by the board of civil authority and shall be paid by the town.

(6) The justices may, but shall not be required to, deliver ballots outside the town.

(b)(1) The town clerk shall divide the list of applicants who have an illness, injury, or ~~physical~~ disability into approximately as many equal parts as there are pairs of justices so designated, having regard to the several parts of the town in which the applicants may be found.

(2) As soon as early voter absentee ballots are available, the clerk shall deliver to each pair of justices one part of the list, together with early voter absentee ballots and envelopes for each applicant.

(3) When justices receive ballots and envelopes prior to election day, they shall receive only the ballots and envelopes they are assigned to deliver on that day.

(c)(1) Each pair of justices on the days they are assigned to deliver the ballots and envelopes shall call upon each of the early or absentee voters whose name appears on the part of the list furnished to them and shall deliver early voter absentee ballots and envelopes to each early or absentee voter.

(2) The early or absentee voter shall then proceed to mark the ballots alone or in the presence of the justices, but without exhibiting them to the justices or to any other person, except that when the early or absentee voter is blind or physically unable to mark his or her ~~ballot~~ ballots, they may be marked by one of the justices in full view of the other.

§ 2539. MAILING DELIVERY OF EARLY VOTER ABSENTEE
BALLOTS; ~~VOTERS WHO ARE PERMANENTLY DISABLED~~

(a) Default; town office or mail.

(1) ~~Unless Except as provided in subsections (b) and (c) of this section, unless the early or absentee voter votes in the town clerk's office as set forth in section 2537 of this subchapter, or unless the justices are to deliver the early voter absentee ballots to the early or absentee voter,~~ the town clerk shall provide to the early or absentee voter who comes to the town clerk's office a complete set of early voter absentee ballots or mail a complete set of early voter absentee ballots to each early or absentee voter for whom a valid application has been filed.

(2) The early voter absentee ballots shall be mailed forthwith upon the filing of a valid application, or upon the town clerk's receipt of the necessary ballots, whichever is later.

(b) Voters who are ill, injured, or have a disability. In the case of persons who are early or absentee voters due to illness, injury, or ~~physical~~ disability, if the voter or authorized person requests in his or her application or otherwise

~~that early voter absentee ballots be mailed rather than delivered by justices of the peace or electronically delivered, the town clerk shall mail or electronically deliver the ballots; otherwise the ballots shall be delivered to such voters the voter by justices of the peace as set forth in section 2538 of this subchapter. In the case of all other early or absentee voters, the town clerk shall mail the early voter absentee ballots, unless the voter chooses to apply and vote in person at the town clerk's office.~~

~~(c) Military or overseas voters.~~

~~(1) Early voter absentee ballots ~~to~~ for military or overseas voters shall be sent air mail, first class, postpaid when such service is available, or they may be sent by email electronically delivered when requested by the voter.~~

~~(2)(A) The town clerk's office shall be open on the 46th day before any election that includes a federal office and the town clerk shall send on or before that day all absentee ballots to any military or overseas voter who requested an early voter absentee ballot on or before that day.~~

~~(B) On that day the town clerk shall complete any reporting requirements and any other responsibilities regarding the mailing of early voter absentee ballots to military or overseas voters, as directed by the Secretary of State.~~

~~§ 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS~~

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

~~INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS~~

- ~~1. Mark the ballots.~~
- ~~2. Place them in this envelope.~~
- ~~3. Fill out and sign the certificate on the envelope.~~
- ~~4. Mail or deliver the envelope containing the ballots to the town clerk of the town where you are a registered voter in time to arrive not later than election day.~~

~~Note: If these ballots have been brought to you personally by two justices of the peace because of your illness, injury or ~~physical~~ disability, just return them to the justices after you have signed the envelope. YOU HAVE THE RIGHT TO MARK YOUR BALLOTS IN PRIVATE - but if you ask for help in filling out the ballots, they will give it to you.~~

BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS ENVELOPE OR YOUR VOTE WILL NOT COUNT!

(b) In the case of early absentee voting in a primary, the instructions shall also include appropriate instructions prepared by the Secretary of State for separating and depositing unvoted ballots in a separate envelope provided and clearly marked for that purpose.

§ 2541. MARKING OF BALLOTS

(a) An early or absentee voter to whom ballots, envelopes, and instructions are mailed shall mark the ballots in accordance with the instructions.

~~(b) When an early or absentee voter is blind or is physically unable to go to the polls to vote in person or to mark his or her ballots, they may be marked by one of the officers who delivers the ballots, in the presence of the other officer. A person who gives assistance to a voter in the marking or registering of ballots shall not in any way divulge any information regarding the choice of the voter or the manner in which the voter's ballot was cast.~~

(c) If an early or absentee voter makes an error in marking a ballot, the voter may return that ballot by mail or in person to the town clerk and receive another ballot, consistent with the provisions of section 2568 of this ~~title~~ chapter.

** * **

§ 2546b. EARLY VOTING IN TOWN CLERK'S OFFICE; DEPOSIT INTO VOTE TABULATOR

(a)(1) A board of civil authority may vote to permit its town's registered early or absentee voters to vote in the town clerk's office in the same manner as those voting on election day by marking their early voter absentee ballots and depositing them into a vote tabulator.

(2) If a board of civil authority votes to permit early voting as described in subdivision (1) of this subsection, the town's process for conducting this early voting shall conform to the provisions of this section and to guidance that the Secretary of State shall adopt for this purpose.

(b)(1) During business hours in the town clerk's office, the vote tabulator and ballot bin shall be in a secured area accessible only to election officials and voters. The vote tabulator unit shall be secured with an identifiable seal and the ballot box containing voted ballots shall remain locked at all times and secured with an identifiable seal. Neither seal shall be broken prior to the time of closing the polls on election day.

(2) Once early voting has commenced in the town clerk's office, the town clerk or designee shall certify each day in a record prepared for this purpose that the seals on the vote tabulator and ballot box are intact.

(3) When an election official is not present or at times other than business hours, the sealed vote tabulator and ballot box shall be secured in the town clerk's office vault.

(4) The town clerk shall maintain a record of each early or absentee voter who voted in person in accordance with this section.

(c) On the day of the election:

(1) The sealed vote tabulator and sealed ballot boxes shall be transferred to the polling place on election day by two election officials and shall not be opened until the polls have closed on election day.

(2) When the vote tabulator is turned on at the polling place, the town clerk shall verify that the number of ballots that the vote tabulator displays as having been counted matches the number of voters who deposited their early voter absentee ballots in the vote tabulator in accordance with this section and any early voter absentee ballots that were processed and deposited in the vote tabulator under section 2546a of this subchapter.

(3) All early voter absentee ballots shall be commingled with those voted at the polls on election day prior to being examined for the purpose of identifying write-in votes.

§ 2547. DEFECTIVE BALLOTS

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

(1) the identity of the early or absentee voter cannot be determined;

(2) the early or absentee voter is not legally qualified to vote;

~~(2)~~(3) the early or absentee voter has voted in person or previously returned a ballot in the same election;

~~(3) the affidavit on the certificate envelope is not completed;~~

(4) the certificate is not signed;

(5) the voted ballot is not in the certificate envelope; or

(6) in the case of a primary vote, the early or absentee voter has failed to return the unvoted primary ballots.

(b) Each defective ballot or unopened certificate envelope shall be:

(1) affixed with a note from the presiding officer indicating the reason it was determined to be defective;

(2) placed with other such defective ballots in an envelope marked "Defective Ballots - Voter Checked Off Checklist - Do Not Count"; and

(3) returned in that envelope to the town clerk in the manner prescribed by section 2590 of this title chapter.

(c) The provisions of this section shall be indicated prominently in the early or absentee voter material prepared by the Secretary of State.

** * **

** * * Process of Voting; Count and Return of Votes * * **

Sec. 13. 17 V.S.A. § 2568 is amended to read:

*§ 2568. REMOVING BALLOTS FROM POLLING PLACE;
REPLACEMENT, ~~BLANK,~~ AND UNUSED BALLOTS*

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

(b) Replacement ballots.

** * **

(c) Unused ballots. Ballots originally delivered to the presiding officer that remain undistributed to the voters shall be preserved and returned to the town clerks, and ~~the clerk shall preserve them in such condition, unless called for by some authority entitled to demand and receive them. After 90 days from the date the election is held~~ following the election, they may be destroyed or distributed by the town clerk for educational purposes or for any other purpose the town clerk deems appropriate.

Sec. 14. [Deleted.]

** * * Recounts * * **

Sec. 15. 17 V.S.A. § 2601 is amended to read:

§ 2601. RECOUNT THRESHOLD

(a)(1) In an election for federal office, statewide office, county office, or State Senator; if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is two percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

(2) In an election for State Representative, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is five percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

(b) In the case of a recount for a local election, the threshold and procedures for conducting the recount shall be as provided in chapter 55, subchapter 3 of this title.

Sec. 16. 17 V.S.A. § 2602k is amended to read:

§ 2602k. RECOUNT TIES

(a)(1) If a recount of a primary election results in a tie, the provisions of subsection 2369(b) of this title shall apply.

(2) If a recount of a public question results in a tie, a runoff election shall not be held, and the question shall be certified not to have passed.

(3) If ~~the~~ a recount of a general election results in a tie, the provisions of this section shall apply, and the court shall order a runoff election to be held, within three weeks of the recount, on a date set by the court.

(b) The only candidates who shall appear on the ballot at the runoff election shall be those who tied in the previous election.

(c) The runoff election shall be considered a separate election for the purpose of voter registration under chapter 43 of this title.

~~(d) If the recount confirms a tie as to any public question, a runoff election shall not be held, and the question shall be certified not to have passed. [Repealed.]~~

(e) Warnings for a runoff election shall be posted as required by subchapter 5 of this chapter; except that the warnings shall be posted not less than 10 days before the runoff election.

(f) The conduct of a runoff election shall be as provided in this chapter for general elections.

** * * Special Election for Congressional Vacancies * * **

Sec. 17. 17 V.S.A. § 2621 is amended to read:

§ 2621. VACANCY IN OFFICE OF U.S. SENATOR OR REPRESENTATIVE

(a) If a vacancy occurs in the office of U.S. Senator or U.S. Representative, the Governor shall call a special election to fill the vacancy. His or her proclamation shall specify a day for the special election and a day for a

special primary, pursuant to section 2352 of this title.

(b) The special election shall be held not more than ~~three~~ six months from the date the vacancy occurs, except that if the vacancy occurs within six months of a general election, the special election may be held the same day as the general election provided the ballots for the special election are able to be distributed by the deadline set forth in section 2479 of this title.

** * * Local Elections * * **

Sec. 18. 17 V.S.A. § 2681 is amended to read:

§ 2681. NOMINATIONS; PETITIONS; CONSENTS

(a)(1)(A) Nominations of the municipal officers shall be by petition. The petition shall be filed with the municipal clerk, together with the endorsement, if any, of any party or parties in accordance with the provisions of this title, not later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline.

** * **

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

** * **

** * * Voting on Town Manager Form of Governance * * **

Sec. 19. 24 V.S.A. chapter 37 is amended to read:

CHAPTER 37. TOWN, CITY, OR VILLAGE MANAGERS

** * **

§ 1241. PETITION; WARNING

When voters, in number equal to five percent of the legal registered voters in town, petition the selectboard ~~therefor~~ in writing to adopt or rescind the town manager form of governance, the warning for the annual or special meeting ~~which~~ that shall be called upon such petition shall contain an article in substantially the ~~following~~ form set forth in section 1243 of this chapter: “~~To see if the town will vote to take advantage of the provisions of chapter 37 of Title 24 of the Vermont Statutes Annotated and authorize the selectboard to employ a town manager.~~”

** * **

§ 1243. METHOD OF VOTING

~~When the question of the adoption or rejection of A town may vote at an annual or special meeting to adopt or rescind the provisions of this chapter is submitted to a meeting wherein the Australian ballot system is used for the election of officers, there, A vote on the question shall be printed upon the ballots below the list of candidates the following question in substantially the following form:~~

~~“Will Shall the [town name] vote to take advantage of [adopt/rescind] the town manager form of governance in accordance with the provisions of chapter 37 of Title 24 of the Vermont Statutes Annotated and authorize the selectboard to employ a town manager?”~~

~~Yes —No~~

~~And the voter shall make a cross or X in the blank space against the answer he or she desires to give concerning such question. The ballots shall be counted forthwith by the board of civil authority and the result announced by the presiding officer.~~

* * *

* * * Campaign Finance; Reporting Dates * * *

Sec. 20. 17 V.S.A. § 2964 is amended to read:

§ 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,
THE GENERAL ASSEMBLY, AND COUNTY OFFICE;
POLITICAL COMMITTEES; POLITICAL PARTIES

(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(A) in the first year of the two-year general election cycle, on July 15 1; and

(B) in the second year of the two-year general election cycle:

(i) on March 15;

(ii) on July 15 1 and August 15 1;

(iii) on September 1;

(iv) on October 1, October 15, and the Friday before the general election; and

(v) two weeks after the general election.

(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:

(A) in the first three years of the four-year general election cycle, on July 15 ~~1~~; and

(B) in the fourth year of the four-year general election cycle:

(i) on March 15;

(ii) on July 15 ~~1~~ and August 15 ~~1~~;

(iii) on September 1;

(iv) on October 1, October 15, and the Friday before the general election; and

(v) two weeks after the general election.

* * *

* * * Effective Dates * * *

Sec. 21. EFFECTIVE DATES

This act shall take effect on July 1, 2019, except that:

(1) this section and Sec. 20, 17 V.S.A. § 2964 (campaign finance reports), shall take effect on passage; and

(2) in Sec. 12, 17 V.S.A. chapter 51, subchapter 6 (early or absentee voters), § 2546b (early voting in town clerk's office; deposit into vote tabulator) shall take effect on July 1, 2020, except that the Secretary of State shall adopt the guidelines described in subdivision (a)(2) of that section on or before January 1, 2020.