

1 S.107

2 Introduced by Senators White and Sears

3 Referred to Committee on

4 Date:

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 of
14 amendment in their respective towns and cities at the same time and place as
15 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 article
18 of amendment shall be ~~opened and shall close~~ open as provided in section 2561
19 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 of
18 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 city,
6 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 freewomen~~ 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 1844
16 of this ~~title~~ chapter, send to the clerk of each city and town ballots provided for
17 in that section ~~1844 of this title~~ and blank forms for the returns of votes on the
18 article of amendment.

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* * * 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

1 requires all state legislative bodies to be apportioned in such manner as to
2 achieve substantially equal weighting of the votes of all voters in the choice of
3 legislators.

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

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

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

10 § 1909. REVIEW

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

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

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* * * 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.

* * *

(i) The Department of Motor Vehicles shall share its motor vehicle driver's license 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. § 2145b is amended to read:

§ 2145b. VOTER REGISTRATION AGENCIES

(a) Each voter registration agency shall:
(1) distribute voter registration application forms approved under section 2145 of this title;
(2) assist applicants in completing voter registration application forms, unless the applicant refuses such assistance; and

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

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

7 (c)(1) A voter registration agency shall provide each applicant who does
8 not decline to register to vote the same degree of assistance with regard to the
9 completion of the voter registration application that the office provides with
10 regard to the completion of its own forms, unless the applicant refuses such
11 assistance.

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

15 (d) The Secretary of State shall designate voter registration agencies that
16 shall provide qualified applicants for such agency's services, or qualified
17 inmates within the custody of the Department of Corrections, with automatic
18 voter registration as an integrated option on application forms for services or
19 benefits provided by those agencies. Prior to making any designation under
20 this subsection, the Secretary of State shall consult with the secretary or
21 commissioner of each voter registration agency to determine the feasibility of

1 integrating automatic voter registration into that voter registration agency's
2 normal course of business and to determine a reasonable timetable to complete
3 such integration where the Secretary deems appropriate.

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

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

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

12 (B) specify which programs or services offered by each agency are
13 included within the designation; and

14 (C) establish for each such newly designated agency the date by
15 which its specified programs or services must comply with requirements of this
16 subsection.

17 (3) Following the date for compliance established by the Secretary for
18 an agency's specified programs or services established under subdivision
19 (2)(C) of this subsection, an application for services or benefits and any change
20 of address form related to those services or benefits provided by the agency

1 shall provide and request the following information and shall be in the form
2 approved by the Secretary of State:

3 (A) The applicant's citizenship.

4 (B) The applicant's date of birth.

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

6 (D) The applicant's street address or a description of the physical
7 location of the applicant's residence. The description must contain sufficient
8 information so that the town clerk can determine whether the applicant is a
9 resident of the town.

10 (E) The voter's oath.

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

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

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

20 (B) "In order to be registered to vote, you must: (1) be a U.S. citizen;
21 (2) be a resident of Vermont; (3) have taken the voter's oath; and (4) be

1 18 years of age or older. Any person meeting the requirements of (1)-(3) who
2 will be 18 years of age on or before the date of a general election may register
3 and vote in the primary election immediately preceding that general election.
4 Failure to decline to register is an attestation that you meet the requirements to
5 vote.”

6 (e) A voter registration agency that provides services or assistance in
7 addition to conducting voter registration that has not been designated by the
8 Secretary of State to provide automatic voter registration under subsection (d)
9 of this section shall distribute a voter registration application with each
10 application for the services or assistance provided by the agency, and with each
11 recertification, renewal, or change of address form relating to those services or
12 assistance. In addition to the voter registration application form, the agency
13 shall distribute a separate form that includes the following:

14 * * *

15 (f) The Secretary of State shall have the authority to audit any voter
16 registration agency to determine compliance with the requirements of this
17 section and to require any voter registration agency to implement any remedial
18 measures necessary to ensure compliance with this section. The Secretary of
19 Administration shall provide the Secretary of State any assistance that is
20 necessary to ensure the cooperation of voter registration agencies in

1 implementing any remedial measures the Secretary of State requires under this
2 subsection.

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

4 § 2150. REMOVING NAMES FROM CHECKLIST

5 * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (6)(A) Notwithstanding the provisions of subdivision (5) of this
20 subsection, if at any time subsequent to removal of a person's name from the
21 checklist, the board determines that the person was still qualified to vote and

1 that the voter's name should not have been removed, the board shall add the
2 person's name to the checklist as provided in section 2147 of this ~~title~~ chapter.

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

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

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

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

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

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

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

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

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

12 * * * Political Parties * * *

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

14 CHAPTER 45. POLITICAL PARTIES

15 § 2301. ORGANIZATION OF MAJOR POLITICAL PARTIES

16 A major political party shall organize biennially as provided in this chapter.

17 No A person acting on behalf of a major political party shall not accept any
18 contribution or make any expenditure (except for the purpose of organizing
19 under this chapter) unless the party has a current certificate of organization on
20 file with the Secretary of State.

1 § 2302. STATE CHAIR TO CALL CAUCUS

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

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

9 § 2303. TOWN CHAIR TO GIVE NOTICE

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

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

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

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

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

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

4 § 2304. TOWN CAUCUS

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

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

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

16 § 2305. FIRST MEETING OF TOWN COMMITTEE

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

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

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

3 § 2306. PROCEDURE UPON FAILURE TO HOLD CAUCUS

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

11 § 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE
12 DELEGATES

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

19 (b) A committee is not considered organized until a certificate of
20 organization is filed by the State committee with the Secretary of State

1 pursuant to section 2313 of this chapter. ~~it has filed the material required by~~
2 ~~this section.~~

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

5 § 2308. COMPOSITION OF COUNTY COMMITTEE

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

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

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

14 § 2309. FIRST MEETING OF COUNTY COMMITTEE

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

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

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

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

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

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

14 § 2310. ELECTION OF STATE COMMITTEE

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

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

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

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

6 (c) County committee members and delegates to the State committee shall
7 serve for ~~the following~~ two years following their election or until their
8 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 of
7 the county committee and of the members elected by the county committee to
8 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 party
20 shall be identified on any Australian ballot; and shall

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

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~~§ 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~~ twelve-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. 9. 17 V.S.A. chapter 49 is amended to read:

1 CHAPTER 49. NOMINATIONS

2 Subchapter 1. Primary Elections

3 * * *

4 § 2353. PETITIONS TO PLACE NAMES ON BALLOT

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

11 * * *

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

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

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

18 * * *

19 § 2368. CANVASSING COMMITTEE MEETINGS

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

1 (1) The canvassing committee for State and national offices and
2 statewide 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 this
17 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 any
19 recount result in a tie the choice among those tied shall be determined upon
20 five days' notice and not later than 10 days following the primary election by
21 the committee of that party, which shall meet to nominate a candidate from

1 among the tied candidates. The committee that nominates a candidate shall be
2 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 she 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 ballot
3 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 candidate's
16 choice on or before 5:00 p.m. on the tenth day following the primary.

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

21 * * *

1 § 2414. CANDIDATES FOR STATE AND LEGISLATIVE OFFICE;
2 DISCLOSURE FORM

3 * * *

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

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

12 * * *

13 * * * Election Complaint Procedure * * *

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

15 § 2458. COMPLAINT PROCEDURE

16 (a)(1) The Secretary of State shall adopt rules to establish a uniform and
17 nondiscriminatory complaint procedure to be used by any person who believes
18 that a violation of this title or any other provision of ~~Title III of United States~~
19 ~~Public Law 107-252~~ 52 U.S.C. chapter 209, subchapter III (Uniform and
20 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 the
20 number of electors that the State is entitled to elect. The list shall be signed by
21 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 ballot.

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

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

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

1 or other political materials containing a reference to a candidate on the ballot,
2 question the ballot, or organized political party are displayed, placed, handed
3 out, or allowed to remain;

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

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

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

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

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

16 * * * Early or Absentee Voters * * *

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

18 Subchapter 6. Early or Absentee Voters

19 § 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

20 (a) Deadline to file.

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

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

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

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

15 (b) Place of filing.

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

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

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

3 § 2532. APPLICATIONS AUTHORIZED APPLICANTS; APPLICATION
4 FORM; DUPLICATES

5 (a) Authorized applicants.

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

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

14 (b)(2) Form of application.

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

16 REQUEST FOR EARLY VOTER ABSENTEE BALLOT

17 Name of early or absentee voter: _____

18 Voter's Town of Residence: _____

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

20 _____

21 Telephone Number: _____ E-mail Address: _____

1 Date: _____

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

3 (1) Annual Town Meeting;

4 (2) All other local elections;

5 (3) August Primary Election;

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

7 (5) November General Election;

8 (6) All elections in this calendar year.

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

10 (1) Mail to voter at: _____

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

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

14 If applicant is other than early or absentee voter:

15 Name of applicant: _____

16 Address of applicant: _____

17 Relationship to early or absentee voter: _____

18 Organization, if applicable: _____

19 Date: _____ Signature of applicant: _____

1 ~~(3)~~(2) If the application is made by telephone or in writing, the
2 information supplied ~~must~~ shall be in substantial conformance with the
3 information requested on this form.

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

13 (c) Simultaneous voter registration.

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

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

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

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

11 (d) Application timeframe.

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

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

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

19 ~~(g)~~(c) Duplicate early voter absentee ballots.

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

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

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

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

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

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

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§ 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

1 (a)(1) In the case of persons who are early or absentee voters due to illness,
2 injury, or ~~physical~~ disability, ballots shall be delivered in the following
3 manner, unless the early or absentee voter has requested pursuant to section
4 2539 of this ~~title~~ subchapter that the early voter absentee ballots be mailed or
5 electronically delivered.

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

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

20 (4) ~~No~~ A candidate or spouse, parent, or child of a candidate shall not be
21 eligible to perform the duties prescribed by this section unless the candidate

1 involved is not disqualified by section 2456 of this ~~title~~ chapter from serving as
2 an election official. ~~This shall not prevent a candidate for a district office from~~
3 ~~serving as a justice in another district.~~

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

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

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

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

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

19 (c)(1) Each pair of justices on the days they are assigned to deliver the
20 ballots and envelopes shall call upon each of the early or absentee voters

1 whose name appears on the part of the list furnished to them and shall deliver
2 early voter absentee ballots and envelopes to each early or absentee voter.

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

8 § 2539. MAILING DELIVERY OF EARLY VOTER ABSENTEE

9 BALLOTS; ~~VOTERS WHO ARE PERMANENTLY DISABLED~~

10 (a) Default; town office or mail.

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

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

1 (b) Voters who are ill, injured, or have a disability. In the case of persons
2 who are early or absentee voters due to illness, injury, or ~~physical~~ disability, if
3 the voter or authorized person requests in his or her application or otherwise
4 that early voter absentee ballots be mailed ~~rather than delivered by justices of~~
5 ~~the peace~~ or electronically delivered , the town clerk shall mail or
6 electronically deliver the ballots; otherwise the ballots shall be delivered to
7 ~~such voters~~ the voter by justices of the peace as set forth in section 2538 of this
8 subchapter. ~~In the case of all other early or absentee voters, the town clerk~~
9 ~~shall mail the early voter absentee ballots, unless the voter chooses to apply~~
10 ~~and vote in person at the town clerk's office.~~

11 (c) Military or overseas voters.

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

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

19 (B) On that day the town clerk shall complete any reporting
20 requirements and any other responsibilities regarding the mailing of early voter

1 absentee ballots to military or overseas voters, as directed by the Secretary of
2 State.

3 § 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

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

7 INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

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

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

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

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

5 § 2541. MARKING OF BALLOTS

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

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

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

18 * * *

19 § 2547. DEFECTIVE BALLOTS

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

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

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

6 ~~(2)~~(3) the early or absentee voter has voted in person or previously
7 returned a ballot in the same election;

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

9 (4) the certificate is not signed;

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

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

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

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

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

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

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

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

Sec. 15. 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. 16. 17 V.S.A. § 2587 is amended to read:

§ 2587. RULES FOR COUNTING VOTES

* * *

(e)(1) ~~In~~ Except as provided in this subsection, in the case of “write-in” votes, the act of writing in the name of a candidate, or pasting a label

1 containing a candidate's name upon the ballot, without other indications of the
2 voter's intent, shall constitute a vote for that candidate, even though the voter
3 did not fill in the square or oval after the name.

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

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

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

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

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

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* * * Recounts * * *

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

§ 2602k. RECOUNT TIES

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

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

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

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

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

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

14 [Repealed.]

15 (e) Warnings for a runoff election shall be posted as required by subchapter
16 5 of this chapter, except that the warnings shall be posted not less than 10 days
17 before the runoff election.

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

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

2 Sec. 19. 17 V.S.A. § 2621 is amended to read:

3 § 2621. VACANCY IN OFFICE OF U.S. SENATOR OR
4 REPRESENTATIVE

5 (a) If a vacancy occurs in the office of U.S. Senator or U.S. Representative,
6 the Governor shall call a special election to fill the vacancy. His or her
7 proclamation shall specify a day for the special election and a day for a special
8 primary, pursuant to section 2352 of this title.

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

14 * * * Local Elections * * *

15 Sec. 20. 17 V.S.A. § 2681 is amended to read:

16 § 2681. NOMINATIONS; PETITIONS; CONSENTS

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

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(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.~~

* * *

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

§ 2681a. LOCAL ELECTION BALLOTS

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

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

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

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

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

6 (c) ~~N~~ A political party or other designation shall not be listed unless the
7 municipal charter provides for such listing, the town has voted at an earlier
8 election to provide such a listing or, in the absence of previous consideration of
9 the question by the town, the legislative body decides to permit listing. If
10 political party or other designations are permitted, ~~n~~ a candidate shall not use
11 the name of a political party whose certificate of organization has been filed
12 properly with the Secretary of State unless the candidate has been endorsed by
13 a legally called town caucus of that political party for the office in question. In
14 any event, the candidate must still file the petition and consent form required
15 by section 2681 of this ~~title~~ chapter.

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

19 (e) Public questions shall be written in the form of a question, with boxes
20 indicating a choice of "yes" and "no" directly under or to the right side of the

1 public question. ~~No~~ A public question shall not pass unless a majority of the
2 votes, excluding blank and overvotes, is cast in favor of the proposition.

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

4 Sec. 22. 24 V.S.A. chapter 37 is amended to read:

5 CHAPTER 37. TOWN, CITY, OR VILLAGE MANAGERS

6 * * *

7 § 1241. PETITION; WARNING

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

16 * * *

17 § 1243. METHOD OF VOTING

18 ~~When the question of the adoption or rejection of~~ A town may vote at an
19 annual or special meeting to adopt or rescind the provisions of this chapter is
20 ~~submitted to a meeting wherein the Australian ballot system is used for the~~
21 ~~election of officers, there.~~ A vote on the question shall be ~~printed upon the~~

1 ~~ballots below the list of candidates the following question~~ in substantially the
2 following form:

3 ~~““Will~~ Shall the [town name] ~~vote to take advantage of~~ [adopt/rescind] the
4 town manager form of governance in accordance with the provisions of chapter
5 37 of Title 24 of the Vermont Statutes Annotated ~~and authorize the selectboard~~
6 ~~to employ a town manager?”~~

7 Yes — No

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

12 * * *

13 * * * Campaign Finance; Reporting Dates * * *

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

15 § 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,

16 THE GENERAL ASSEMBLY, AND COUNTY OFFICE;

17 POLITICAL COMMITTEES; POLITICAL PARTIES

18 (a)(1) Each candidate for State office, the General Assembly, or a two-
19 year-term county office who has rolled over any amount of surplus into his or
20 her new campaign or who has made expenditures or accepted contributions
21 of \$500.00 or more during the two-year general election cycle and, except as

1 provided in subsection (b) of this section, each political committee that has not
2 filed a final report pursuant to subsection 2965(b) of this chapter, and each
3 political party required to register under section 2923 of this chapter shall file
4 with the Secretary of State campaign finance reports as follows:

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

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

8 (i) on March 15;

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

10 (iii) on September 1;

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

13 (v) two weeks after the general election.

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

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

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

- 1 (i) on March 15;
- 2 (ii) on July ~~15~~ 1 and August ~~15~~ 1;
- 3 (iii) on September 1;
- 4 (iv) on October 1, October 15, and the Friday before the general
5 election; and
- 6 (v) two weeks after the general election.

7 * * *

8 * * * Effective Date * * *

9 Sec. 24. EFFECTIVE DATE

10 This act shall take effect on July 1, 2019.