

1 S.148

2 Introduced by Senator Perchlik

3 Referred to Committee on

4 Date:

5 Subject: Elections; conduct of elections; ballots; “None of these candidates”
6 voting option

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 primary and general election ballots provide an option for a voter to choose
9 “None of these candidates.” If a voter chooses that option in lieu of voting for
10 any candidate, the vote shall not be counted as a blank vote and instead shall
11 be specifically counted as a vote for “None of these candidates” and have the
12 same significance as a vote for a candidate.

13 An act relating to an option to vote “None of these candidates” on primary
14 and general election ballots

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

16 Sec. 1. PURPOSE AND INTENT

17 (a) Purpose. This act provides an option for voters to choose “None of
18 these candidates” on primary and general election ballots and establishes that a
19 vote for “None of these candidates” is specifically counted as such and not as a
20 blank vote.

1 (b) Intent. After the option to choose “None of these candidates” is enacted
2 into law, the General Assembly intends to amend Rule 10(c) of the Joint Rules
3 of the Senate and House of Representatives so that a vote for “None of these
4 candidates” on a general election ballot is specifically counted as such and not
5 as a blank vote when determining whether a candidate for Governor,
6 Lieutenant Governor, or Treasurer received a major part of the votes in
7 accordance with Vt. Const. Ch. II, § 47.

8 Sec. 2. 17 V.S.A. § 2362 is amended to read:

9 § 2362. PRIMARY BALLOTS

10 (a) A separate ballot for each major political party shall be printed and
11 furnished to the towns by the Secretary of State and shall contain the names of
12 all candidates for nomination by that party at the primary. Ballots shall be
13 printed on index stock and configured to be readable by vote tabulators.
14 Ballots shall be printed in substantially the following form:

15 **OFFICIAL VERMONT PRIMARY ELECTION BALLOT**
16 **VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT**
17 **BOX OR VOTE TABULATOR**

1 ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED

2 BALLOT BOX

3 _____

4 [MAJOR POLITICAL PARTY NAME]

5 _____

6 Instructions to voters: Use black pen or pencil to fill in the oval. To vote for a
7 person whose name is printed on the ballot, fill in the oval to the right of the
8 name of that person. To vote for a person whose name is not printed on the
9 ballot, write or stick his or her name in the blank space provided and fill in the
10 oval to the right of the write-in space. Do not vote for more candidates than
11 the "Vote for Not More Than" number for an office. You may also choose
12 "None of these candidates" if you do not want to vote for any candidate. If
13 you make a mistake, tear, or deface the ballot, return it to an election official
14 and obtain another ballot. Do not erase.

15 (b)(1) Following the names of candidates printed on the ballot after the
16 name of each office to be filled shall be:

17 (A) an option for a voter to choose "None of these candidates"; and

18 (B) as many blank lines for write-in candidates as there are persons to
19 be elected to that office.

1 (2) If no primary petition is filed for an office or for a candidate
2 belonging to a party, the ballot shall contain the name of the office and blank
3 lines for write-in candidates.

4 Sec. 3. 17 V.S.A. § 2472 is amended to read:

5 § 2472. CONTENTS

6 (a)(1) The ballot shall be titled “OFFICIAL VERMONT GENERAL
7 ELECTION BALLOT,” followed by the date of the election. Immediately
8 below, the following instructions shall be printed: “Instruction to Voters: To
9 vote for a candidate whose name is printed on the ballot, fill in the oval at the
10 right of that person’s name and party designation. To vote for a candidate
11 whose name is not printed on the ballot, write the person’s name on the blank
12 line in the appropriate block and fill in the oval to the right of that blank line.
13 When there are two or more candidates to be elected to one office, you may
14 vote for any number of candidates up to and including the maximum number.
15 You may also fill in the oval to the right of “None of these candidates” if you
16 do not want to vote for any candidate.”

17 (2) The name of the town or towns and legislative district in which the
18 ballot is to be used shall be listed in the upper ~~left-hand~~ left-hand corner.

19 (b)(1) Each office to be voted upon shall be separately indicated and
20 preceded by the word “For,” as: “For United States Senator.” Beneath the

1 office to be voted upon shall appear the instructions: “Vote for not more than
2 (the number of candidates to be elected).”

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

8 (B) The word “party” shall not be printed on the ballot following a
9 candidate’s party name.

10 (3) To the right of the party designation shall be an oval in which the
11 voter may indicate his or her choice by filling in the oval.

12 (4) A candidate’s name shall not appear on the ballot more than once for
13 any one office.

14 (c) Following the names of candidates for each office, there shall be as:

15 (1) An option for a voter to choose “None of these candidates” and an
16 oval to the right of that option that is identical to the ovals that follow the
17 candidates’ names.

18 (2) As many blank write-in lines as there are persons to be elected to
19 that office. To the right of each such line shall be the words “Write-In” and an
20 oval identical to the ovals that follow the candidates’ names. Lines provided

1 for writing in names for President and Vice President shall be separately
2 designated by the words “President” and “Vice President.”

3 * * *

4 Sec. 4. 17 V.S.A. § 2587 is amended to read:

5 § 2587. RULES FOR COUNTING VOTES

6 (a)(1) In counting votes, election officials shall attempt to ascertain the
7 intent of the voter as expressed by markings on the ballot and in a manner that
8 is consistent with guidance that shall be adopted by rule by the Secretary of
9 State.

10 (2) If it is impossible to determine the intent of the voter for any office
11 or public question, the vote shall be counted as a blank or overvote, as the case
12 may be, for that office or question; but that determination shall not control any
13 other office or question appearing on the ballot for which the voter’s intent can
14 be determined.

15 (3) If they have any doubt about the intent of the voter or any other
16 question about a vote, the election officials counting the vote shall bring it to
17 the presiding officer, who shall present the question of how to treat the vote to
18 the assembled election officials. The decision of how to treat the vote shall be
19 made by majority vote of the election officials who are present.

20 (b) If the voter marks more names than there are persons to be elected to an
21 office, marks a name and “None of these candidates,” or marks contradictory

1 sides on any public question, overvotes equal to the number of candidates to be
2 elected to the office ~~must~~ shall be recorded on the tally sheet for that office or
3 question.

4 (c)(1) A write-in vote for a candidate whose name is preprinted on the
5 ballot shall be counted as a vote for that candidate.

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

8 (3) A vote for "None of these candidates" shall be specifically counted
9 as such, have the same significance as a vote for a candidate, and be recorded
10 on the tally sheet for that office.

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

14 (1) that ballot shall be:

15 (A) rejected;

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

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

20 (2) the election officials may edit the vote tabulator totals reported on
21 the vote tabulator tape, as necessary.

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

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

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

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

13 (f) When the same number of persons are nominated for the position of
14 justice of the peace as there are positions to be filled, the presiding officer may
15 declare the whole slate of candidates elected without making individual tallies,
16 ~~providing~~ provided each person on the slate has more votes than the largest
17 number of write-in votes for any one candidate.

18 Sec. 5. EFFECTIVE DATE

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