

Summary of Senate Gov Ops' COVID-19 Legislation

* * * Elections * * *

Sec. 1 is legislative intent to explain that the temporary elections provisions that follow are so that Vermont citizens can protect their health, safety, and welfare while also continuing to participate in elections to maintain our democratic institutions.

- All of these temporary elections provisions are limited to the year 2020.

Sec. 2 eliminates the requirement to obtain voter signatures to run for office in the primary, general election, or a local election, and shortens the time period to file candidate consents for the primary and general election.

- Subsec. (a) eliminates the requirement to obtain voter signatures, so that all a candidate would need to do to have the candidate's name printed on the ballot is file a candidate consent. The rationale is that the current law requirement to obtain voter signatures would require candidates to come into contact with many people, which is the opposite of what is currently recommended in the face of COVID-19. For reference, under current law, it's:
 - 1,000 signatures for an independent candidate for U.S. Pres. or VP
 - 500 for State and congressional offices
 - 100 for county and State Senate
 - 50 for State Rep.
 - Up to 30 for local office
- Subsec. (b) accordingly shortens *to two weeks* the time period to file candidate consents for the primary or general election, since candidates do not need the current amount of time to collect voter signatures, and to try to limit the number of candidate consents from people who may not have otherwise run for office under the current law's voter signature requirement. This subsection (b) does not shorten the time period to file for local office.

- Subsec. (c) makes explicit that all other nomination and candidate qualification requirements – such as the financial disclosure – continue to apply.

Sec. 3 generally allows the Sec. of State – in consultation and agreement with the Governor – to order or permit elections procedures that differ from current law in order to protect peoples’ health, safety, and welfare.

- Sec. 3 contains a non-exhaustive list of procedures this may include.
- Subsec. (b) requires the Sec. of State to adopt corresponding procedures that are necessary to ensure the public can monitor polling places and the counting of votes.

Sec. 4 is only re: using the Australian ballot system in local elections.

- Subsec. (a) allows a legislative body to vote to apply the Australian ballot system to the municipal elections, rather than the current law requirement to have the voters of the municipality do so.
- Subsec. (b) allows the Sec. of State to waive provisions in statute or school district articles of agreement for municipalities to use Australian ballot. This waiver authority applies to the special provisions in a municipal charter or articles of agreement upon the request of that municipality.

* * * Open Meeting Law * * *

- Sec. 5-7 Temporary Provisions Relating to the Open Meeting Law
 - Sec. 5. Legislative Intent
 - Expresses the intent that, during the continued spread of COVID-19 in Vermont, public bodies should meet electronically to protect the health and welfare of the public while providing access to the operations of government.
 - Sec. 6. Temporary Open Meeting Law Provisions
 - Subsection (a) authorizes public bodies to meet electronically during the declared state of emergency due to COVID-19.

- Subdivisions (1)-(3) authorize a quorum or more of a public body to meet electronically without designating a physical location for the meeting or requiring the presence of members or staff at a designated physical location
- NOTE: Electronic meetings are currently authorized under 1 V.S.A. 312(a)(2) of the Open Meeting Law. However, the public body must designate a physical meeting location that is accessible to the public and must have a member of the public body or staff at the physical meeting location.
- Subsection (b) requires a public body to use technology that allows public access to an electronic meeting.
 - If feasible, the public body must allow access by telephone.
 - The public body must include information on how the public may access the electronic meeting as part of the posted agenda.
 - The legislative body of each municipality and each school board are required to record meetings, unless unusual circumstances would make it impossible for them to do so.
- Subsection (c) authorizes public bodies, in the event of a staffing shortage, to extend the deadline for the posting of minutes up to ten days from the date of the meeting.
- Sec. 7. Authorizes the Department of Fish and Wildlife to hold a minimum of 5 meetings concerning deer herd management, migratory birds, and moose. Currently, these meetings are held annually in each of the 5 designated regions of the State.

* * * Deadlines for Municipal Corporations and Other Political Subdivisions * * *

- Sec. 8 and 9 Municipal Deadlines and Water System Disconnections
 - Sec. 8 authorizes the Governor and municipal corporations to extend deadlines applicable to municipal licenses, permits, programs and plans during the state of emergency due to COVID-19.

- Subsection (a) authorizes the Governor to extend deadlines applicable to municipalities for licenses, permits, programs, and plans that are due to an executive agency. A statutory deadline may be extended for not more than 90 days after the declared state of emergency ends. Licenses, permits, programs, and plans shall remain valid during this period.
- Subsection (b) authorizes a municipal corporation to extend deadlines applicable to municipalities for other licenses, permits, programs and plans. Further, municipal corporations are authorized to extend deadlines applicable to licenses, permits, programs, and plans that the municipal corporation issues up to 90 days after the declared state of emergency ends. These licenses shall remain valid during the period of the extension.
- Sec. 9 prohibits municipal corporations and other persons from disconnecting water or wastewater systems during the declared state of emergency due to COVID-19.
 - Subsection (a) prohibits a municipal corporation from disconnecting water or wastewater systems.
 - Subsection (b) prohibits a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 from disconnecting users on that system.
 - Subsection (c) prohibits certain companies regulated by the Public Utility Commission under 30 V.S.A. § 203(3) from disconnecting users on a public water system.
 - Subsection (d) provides authority to ANR to enforce subsections (a) and (b), and to the PUC to enforce subsection (c).