

1 H.742

2 Senators White, Bray, Clarkson, Collamore, and Pollina move that the
3 Senate propose to the House that the bill be amended by adding Secs. 1-9 and
4 their accompanying reader assistance headings as follows:

5 * * * Elections * * *

6 Sec. 1. LEGISLATIVE INTENT; PROTECTION OF CITIZENS AND OF
7 ELECTIONS

8 It is the intent of the General Assembly that, if the coronavirus disease 2019
9 (COVID-19) pandemic continues its expected spread in the State of Vermont,
10 the citizens of Vermont should be able to protect their health, safety, and
11 welfare while also continuing to exercise their right to participate in elections
12 in order to maintain our democratic institutions. Accordingly, this act sets
13 forth temporary elections provisions in response to COVID-19.

14 Sec. 2. ELECTIONS IN THE YEAR 2020; SUSPENSION OF PRIMARY
15 PETITION, STATEMENT OF NOMINATION, AND LOCAL
16 ELECTION VOTER SIGNATURE REQUIREMENTS

17 (a) Notwithstanding 17 V.S.A. § 2354, 2355, 2402(b), 2681(b), or any
18 other provision of law to the contrary, a person shall not be required to collect
19 voter signatures in order to have the person's name placed on any ballot in the
20 year 2020, including on any local election ballot. Accordingly, a person shall
21 not be required to file a primary petition as a major party candidate for the

1 primary, a statement of nomination as an independent candidate for the general
2 election, or a petition as a candidate for a local election, as those contain the
3 voter signatures.

4 (b) In the year 2020:

5 (1) Notwithstanding the start date for filing primary petitions for major
6 party candidates set forth in 17 V.S.A. § 2356(a), consent of candidate forms
7 for those candidates shall be filed not earlier than the second Thursday after the
8 first Monday in May.

9 (2) Notwithstanding the start date for filing statements of nomination for
10 independent candidates for President or Vice President of the United States set
11 forth in 17 V.S.A. § 2402(d)(1)(A), consent of candidate forms for those
12 candidates shall be filed not earlier than Saturday, July 18, 2020.

13 (3) Notwithstanding the start date for filing statements of nomination for
14 any other independent candidates except for justice of the peace set forth in
15 17 V.S.A. § 2402(d)(1)(C), consent of candidate forms for those candidates
16 shall be filed not earlier than Thursday, July 23, 2020.

17 (c) All other requirements relating to nominations and candidate
18 qualifications shall continue to apply.

1 Sec. 3. ELECTIONS IN THE YEAR 2020; SECRETARY OF STATE;
2 GOVERNOR; TEMPORARY ELECTIONS PROCEDURES

3 (a) In the year 2020, if there is a declared state of emergency under
4 20 V.S.A. chapter 1 due to COVID-19 or the Governor otherwise declares a
5 public health crisis due to COVID-19, the Secretary of State is authorized, in
6 consultation with the Governor, to order or permit, as applicable, appropriate
7 elections procedures for the purpose of protecting the health, safety, and
8 welfare of voters, elections workers, and candidates in carrying out elections,
9 including:

10 (1) requiring mail balloting by requiring town clerks to send ballots by
11 mail to all registered voters;

12 (2) creating early or mail ballot collection stations;

13 (3) permitting municipal clerks to process and begin counting ballots in
14 a 30-day window preceding the day of an election;

15 (4) permitting drive-up, car window collection of ballots by election
16 officials;

17 (5) extending the time for municipal clerks to process and count ballots;

18 and

19 (6) extending voting hours on the day of an election.

20 (b) For any temporary elections procedure the Secretary of State orders or
21 permits under this section, the Secretary shall adopt any necessary

1 corresponding procedures that ensure the public can monitor polling places and
2 the counting of votes.

3 Sec. 4. 2020 LOCAL ELECTIONS BY AUSTRALIAN BALLOT

4 (a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) that require the
5 voters of a municipality to vote to apply the provisions of the Australian ballot
6 system to the annual or special meeting of the municipality, in the year 2020,
7 any municipality may apply the Australian ballot system to any or all of its
8 municipal elections held in the year 2020 by vote of its legislative body.

9 (b) The Secretary of State may waive statutory deadlines or other statutory
10 provisions, or provisions set forth in a school district's articles of agreement,
11 related to a municipal election as necessary in order for a municipality to apply
12 the Australian ballot system to its meeting in the year 2020. This waiver
13 authority applies to statutory provisions set forth in a municipal charter or
14 provisions set forth in a school district's articles of agreement if the waiver is
15 requested by that municipality.

16 * * * Open Meeting Law *[currently from TA's 347231 v.2; draft 2.1]* * * *

17 Sec. 5. LEGISLATIVE INTENT; COVID-19 RESPONSE AND OPEN
18 MEETINGS

19 (a) It is the intent of the General Assembly that during the continued spread
20 of coronavirus disease 2019 (COVID-19) in the State of Vermont public
21 bodies should organize and hold open meetings in a manner that will protect

1 the health and welfare of the public while providing access to the operations of
2 government. Public bodies should meet electronically and provide the public
3 with electronic access to meetings in lieu of a designated physical location.
4 Accordingly, this act sets forth temporary Open Meeting Law procedures in
5 response to COVID-19.

6 Sec. 6. OPEN MEETING LAW; TEMPORARY SUSPENSION OF
7 DESIGNATED PHYSICAL MEETING LOCATION
8 REQUIREMENTS

9 (a) Notwithstanding 1 V.S.A. § 312(a), during a declared state of
10 emergency under 20 V.S.A. chapter 1 due to COVID-19:

11 (1) a quorum or more of the members of a public body may attend a
12 regular, special, or emergency meeting by electronic or other means without
13 being physically present at a designated meeting location;

14 (2) the public body shall not be required to designate a physical meeting
15 location where the public may attend; and

16 (3) the members and staff of the public body shall not be required to be
17 physically present at a designated meeting location.

18 (b) When the public body meets electronically under subsection (a) of this
19 section, the public body shall use technology that permits the attendance of the
20 public through electronic or other means. The public body shall allow the
21 public to access the meeting by telephone. The public body shall post

1 information on how the public may access meetings electronically and shall
2 include this information in the published agenda for each meeting.

3 (c) In the event of a staffing shortage during a declared state of emergency
4 under 20 V.S.A. chapter 1 due to COVID-19, a public body may extend the
5 time limit for the posting of minutes prescribed in 1 V.S.A. § 312(b)(2) to not
6 more than 10 days from the date of the meeting.

7 Sec. 7. DEPARTMENT OF FISH AND WILDLIFE; FISH AND WILDLIFE
8 BOARD; MEETING REQUIREMENTS IN THE YEAR 2020

9 In the year 2020, the Department of Fish and Wildlife and the Fish and
10 Wildlife Board shall not be required to hold the number of regional meetings
11 as required by 10 V.S.A. §§ 4081(f) (deer) and 4082(b) and (c) (migratory bird
12 and moose), but shall be required to hold not less than five meetings by
13 electronic means to ensure adequate public involvement.

14 * * * Deadlines for Municipal Corporations and

15 Other Political Subdivisions *[currently from TA's #347333, v.1; draft 1.1]* * * *

16 Sec. 8. EXTENSION OF DEADLINES APPLICABLE TO MUNICIPAL
17 CORPORATIONS AND REGIONAL PLANNING COMMISSIONS;
18 CONTINUED VALIDITY OF LICENSES AND PLANS

19 (a) During a declared state of emergency under 20 V.S.A. chapter 1 due to
20 COVID-19, the Governor may authorize State agencies to extend any deadline
21 applicable to municipal corporations or regional planning commissions. A

1 deadline established by statute shall not be extended to more than 90 days after
2 the date that the declared state of emergency ends. Any expiring license,
3 permt, program, or plan issued to a municipal corporation or regional planning
4 commission that is due to a State agency for renewal or review shall remain
5 valid for 90 days after the date that the declared state of emergency ends.

6 (b) During a declared state of emergency under 20 V.S.A. chapter 1 due to
7 COVID-19, a municipal corporation shall be permitted to extend any deadline
8 applicable to municipal corporations, provided that the deadline does not relate
9 to a State license, permit, program, or plan subject to subsection (a) of this
10 section. A municipal corporation may extend or waive deadlines applicable to
11 licenses, permits, programs, or plans issued by a municipal corporation. Any
12 expiring license, permit, program, or plan issued by a municipal corporation
13 that is due to the municipal corporation for renewal or review shall remain
14 valid for 90 days after the date that the declared state of emergency ends.

15 Sec. 9. TEMPORARY MORATORIUM ON DISCONNECTIONS FROM
16 PUBLIC DRINKING WATER AND WASTEWATER SYSTEMS

17 (a) Notwithstanding 24 V.S.A. chapter 129, a municipality shall be
18 prohibited from disconnecting a person from water or sewer services during a
19 declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

20 (b) Notwithstanding any provision of law to the contrary, a person who is
21 permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who

1 provides another person water as a part of the operation of that public water
2 system shall be prohibited from disconnecting any person from the public
3 water system during a declared state of emergency under 20 V.S.A. chapter 1
4 due to COVID-19.

5 (c) Notwithstanding any provision of law to the contrary, a company
6 engaged in the collecting, sale, and distribution of water for domestic,
7 industrial, business, or fire protection purposes that is regulated by the Public
8 Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from
9 disconnecting any person from services during a declared state of emergency
10 under 20 V.S.A. chapter 1 due to COVID-19.

11 (d) A violation of subsection (a) or (b) of this section may be enforced by
12 the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201. A
13 violation of subsection (c) of this section may be enforced by the Public Utility
14 Commission under 30 V.S.A. § 30.

15 and by renumbering sections as necessary to be numerically correct.