

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred Senate
3 Bill No. 107 entitled “An act relating to elections corrections” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

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.”

20 (b) The omission of that article from the warning shall not invalidate nor
21 affect the vote on the proposed article of amendment, and the ~~freemen and~~

1 ~~freewomen~~ voters of each town or city shall vote on the article of amendment
2 whether the warning contains the foregoing article or not.

3 § 1843. PROCESS OF VOTING; MAKING RETURNS; CONDUCT OF
4 MEETINGS

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

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

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

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

18 § 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;
19 BALLOTS

20 (a)(1) The Secretary of State shall, between September 25 and October 1 in
21 any year in which a vote on ratification of an article of amendment is taken,
22 prepare copies of the proposal of amendment and forward them, with a

1 summary of proposed changes, for publication in at least two newspapers
2 having general circulation in the State, as determined by the Secretary of State.

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

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

9 § 1845. QUALIFICATIONS OF VOTERS; CHECKLISTS, BOOTHS,

10 CLERKS

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

20 § 1846. FAILURE TO POST CHECKLISTS

21 The failure of the selectboard of any town, or the proper officers of any city,
22 to prepare and post checklists of the ~~freemen and freewomen~~ voters of the

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

5 * * *

6 § 1848. TABULATION OF RETURNS; RECORD OF AMENDMENTS

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

16 § 1849. PROCLAMATION BY GOVERNOR

17 The Governor shall thereupon forthwith issue his or her proclamation,
18 attested by the Secretary of State, reciting the article of amendment and
19 announcing the ratification and adoption of it by the people of this State under
20 this chapter and that the amendment has become a part of the Constitution
21 thereof and requiring all ~~magistrates and~~ officers, and all citizens of the State

1 to take notice thereof and govern themselves accordingly; or that the article of
2 amendment has been rejected, as the case may be.

3 § 1850. TRANSMISSION OF COPIES OF ~~ACT~~ CHAPTER AND FORMS
4 TO CLERKS

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

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

13 * * * Reapportionment * * *

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

15 § 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION

16 * * *

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

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

2 § 1909. REVIEW

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

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

10 * * *

11 * * * Voter Registration * * *

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

13 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR
14 VEHICLES

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

20 * * *

21 (c) An application for voter registration under this section shall update any
22 previous voter registration by the applicant. Any change of address form

1 submitted to the Department of Motor Vehicles in connection with an
2 application for a motor vehicle driver's license shall serve to update voter
3 registration information previously provided by the voter, unless the voter
4 states on the form that the change of address is not for voter registration
5 purposes.

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

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

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

16 * * *

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

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

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

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

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

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

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

19 ~~(A)~~(i) A statement informing the voter that if the voter has not
20 changed his or her residence, or if the voter has changed his or her residence
21 but the change was within the area covered by the checklist, the voter should
22 return the form to the town clerk's office. The statement shall also inform the

1 voter that if he or she fails to return the form as provided in this subdivision,
2 written affirmation of the voter's address shall be required before the voter is
3 permitted to vote.

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

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

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

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

20 (B) The provisions of this chapter shall be liberally construed, so that
21 if there is any reasonable doubt whether a person's name should have been

1 removed from the checklist, the person shall have the right to have the person's
2 name immediately returned to the checklist.

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

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

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

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

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

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

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

4 § 2303. TOWN CHAIR TO GIVE NOTICE

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

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

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

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

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

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

20 § 2304. TOWN CAUCUS

21 (a)(1) At the time and place set for the town caucus, the voters of the party
22 residing in the town shall meet in caucus and proceed to elect a town

1 committee, consisting of such number of voters of the town as the caucus
2 deems necessary, to serve during the following two years or until their
3 successors are elected or appointed.

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

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

10 § 2305. FIRST MEETING OF TOWN COMMITTEE

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

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

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

17 § 2306. PROCEDURE UPON FAILURE TO HOLD CAUCUS

18 If the voters of the party residing in any town fail to hold a caucus on the
19 day designated by the State ~~chairman~~ chair, any three or more voters of the
20 party residing in the town may call and hold a caucus at any time thereafter, in
21 the manner provided ~~above~~ in sections 2303 through 2305 of this chapter.

22 Those voters calling the caucus shall designate one ~~of their number~~ person

1 among them to perform the duties prescribed ~~above~~ in section 2303 for the
2 town chair.

3 § 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE
4 DELEGATES

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

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

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

17 § 2308. COMPOSITION OF COUNTY COMMITTEE

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

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

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

5 § 2309. FIRST MEETING OF COUNTY COMMITTEE

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

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

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

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

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

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

3 § 2310. ELECTION OF STATE COMMITTEE

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

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

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

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

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

17 § 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE
18 COMMITTEE MEMBERS

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

1 of the county committee and of the members elected by the county committee
2 to the State committee.

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

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

8 § 2312. FIRST MEETING OF THE STATE COMMITTEE

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

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

17 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

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

1 simultaneously hold membership on the committees of more than one political
2 party.

3 * * *

4 § 2319. PARTY CONVENTIONS FOR PLATFORMS AND

5 PRESIDENTIAL ELECTIONS

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

11 * * *

12 * * * Nominations * * *

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

14 CHAPTER 49. NOMINATIONS

15 Subchapter 1. Primary Elections

16 * * *

17 § 2353. PETITIONS TO PLACE NAMES ON BALLOT

18 (a) The name of any person shall be printed upon the primary ballot as a
19 candidate for nomination by any major political party for ~~any~~ the office
20 indicated, if ~~petitions~~ a petition containing the requisite number of signatures
21 made by registered voters, in substantially the following form, ~~are~~ is filed with

1 the proper official, together with the person's written consent to having his or
2 her name printed on the ballot:

3 * * *

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

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

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

10 § 2354. SIGNING PETITIONS

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

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

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

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

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

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* * *

§ 2368. CANVASSING COMMITTEE MEETINGS

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

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

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

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

§ 2369. DETERMINING WINNER; TIE VOTES

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

(b)(1) If, after the period for requesting a recount under section 2602 of this title has expired, no candidate has requested a recount and two or more candidates of the same party are tied for the same office, or if the results of any recount result in a tie the choice among those tied shall be determined upon

1 five days' notice and not later than 10 days following the primary election by
2 the committee of that party, which shall meet to nominate a candidate from
3 among the tied candidates. The committee that nominates a candidate shall be
4 as follows:

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

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

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

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

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

12 * * *

13 § 2370. WRITE-IN CANDIDATES

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

21 (2) The Secretary of State shall prepare and furnish forms for this
22 purpose.

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. 9. 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)
21 has occurred, is occurring, or is about to occur in the course of any election in
22 which a candidate for federal office appears on the ballot.

1 § 2508. CAMPAIGNING DURING POLLING HOURS; VOTER ACCESS

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

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

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

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

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

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

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

21 * * * Early or Absentee Voters * * *

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

1 Subchapter 6. Early or Absentee Voters

2 § 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

3 (a) Deadline to file.

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

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

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

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

18 (b) Place of filing.

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

21 (2) The town clerk shall file written applications and memoranda of
22 verbal applications in his or her office, and shall retain the applications and

1 memoranda for 90 days following the election, at which time they may be
2 destroyed.

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

5 § 2532. APPLICATIONS AUTHORIZED APPLICANTS; APPLICATION
6 FORM; DUPLICATES

7 (a) Authorized applicants.

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

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

16 (b)(2) Form of application.

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

18 REQUEST FOR EARLY VOTER ABSENTEE BALLOT

19 Name of early or absentee voter: _____

20 Voter’s Town of Residence: _____

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

22 _____

1 Telephone Number: _____ E-mail Address: _____

2 Date: _____

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

4 (1) Annual Town Meeting;

5 (2) All other local elections;

6 (3) August Primary Election;

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

8 (5) November General Election;

9 (6) All elections in this calendar year.

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

11 (1) Mail to voter at: _____

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

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

15 If applicant is other than early or absentee voter:

16 Name of applicant: _____

17 Address of applicant: _____

18 Relationship to early or absentee voter: _____

19 Organization, if applicable: _____

20 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 is
17 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 time frame.

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

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

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

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

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

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

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

19 * * *

1 § 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK'S
2 OFFICE

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

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

9 (3) The voter may:

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

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

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

19 § 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

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

1 2539 of this ~~title~~ subchapter that the early voter absentee ballots be mailed or
2 electronically delivered.

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

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

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

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

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

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

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

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

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

20 (2) The early or absentee voter shall then proceed to mark the ballots
21 alone or in the presence of the justices, but without exhibiting them to the
22 justices or to any other person, except that when the early or absentee voter is

1 blind or physically unable to mark his or her ~~ballot~~ ballots, they may be
2 marked by one of the justices in full view of the other.

3 § 2539. MAILING DELIVERY OF EARLY VOTER ABSENTEE

4 BALLOTS; VOTERS WHO ARE PERMANENTLY DISABLED

5 (a) Default; town office or mail.

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

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

17 (b) Voters who are ill, injured, or have a disability. In the case of persons
18 who are early or absentee voters due to illness, injury, or ~~physical~~ disability, if
19 the voter or authorized person requests in his or her application or otherwise
20 that early voter absentee ballots be mailed ~~rather than delivered by justices of~~
21 ~~the peace~~ or electronically delivered, the town clerk shall mail or electronically
22 deliver the ballots; otherwise the ballots shall be delivered to ~~such voters~~ the

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

5 (c) Military or overseas voters.

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

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

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

17 § 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

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

1 INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

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

8 Note: If these ballots have been brought to you personally by two

9 justices of the peace because of your illness, injury or ~~physical~~ disability, just

10 return them to the justices after you have signed the envelope. **YOU HAVE**

11 **THE RIGHT TO MARK YOUR BALLOTS IN PRIVATE** - but if you ask for

12 help in filling out the ballots, they will give it to you.

13 **BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS**

14 **ENVELOPE OR YOUR VOTE WILL NOT COUNT!**

15 (b) In the case of early absentee voting in a primary, the instructions shall

16 also include appropriate instructions prepared by the Secretary of State for

17 separating and depositing unvoted ballots in a separate envelope provided and

18 clearly marked for that purpose.

1 § 2541. MARKING OF BALLOTS

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

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

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

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

14 * * *

15 § 2546b. EARLY VOTING IN TOWN CLERK'S OFFICE; DEPOSIT INTO
16 VOTE TABULATOR

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

21 (2) If a board of civil authority votes to permit early voting as described
22 in subdivision (1) of this subsection, the town's process for conducting this

1 early voting shall conform to the provisions of this section and to guidance that
2 the Secretary of State shall adopt for this purpose.

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

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

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

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

17 (c) On the day of the election:

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

21 (2) When the vote tabulator is turned on at the polling place, the town
22 clerk shall verify that the number of ballots that the vote tabulator displays as

1 having been counted matches the number of voters who deposited their early
2 voter absentee ballots in the vote tabulator in accordance with this section and
3 any early voter absentee ballots that were processed and deposited in the vote
4 tabulator under section 2546a of this subchapter.

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

8 § 2547. DEFECTIVE BALLOTS

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

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

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

14 ~~(2)~~(3) the early or absentee voter has voted in person or previously
15 returned a ballot in the same election;

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

17 (4) the certificate is not signed;

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

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

- 1 (b) Each defective ballot or unopened certificate envelope shall be:
- 2 (1) affixed with a note from the presiding officer indicating the reason it
- 3 was determined to be defective;
- 4 (2) placed with other such defective ballots in an envelope marked
- 5 “Defective Ballots - Voter Checked Off Checklist - Do Not Count”; and
- 6 (3) returned in that envelope to the town clerk in the manner prescribed
- 7 by section 2590 of this ~~title~~ chapter.
- 8 (c) The provisions of this section shall be indicated prominently in the early
- 9 or absentee voter material prepared by the Secretary of State.

10 * * *

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

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

13 § 2568. REMOVING BALLOTS FROM POLLING PLACE;

14 REPLACEMENT, ~~BLANK,~~ AND UNUSED BALLOTS

15 (a) Removing ballots from polling place. A person shall not take or

16 remove a ballot from the polling place before the close of the polls.

17 (b) Replacement ballots.

18 * * *

19 (c) Unused ballots. Ballots originally delivered to the presiding officer that

20 remain undistributed to the voters shall be preserved and returned to the town

21 clerks, and ~~the clerk shall preserve them in such condition, unless called for by~~

22 ~~some authority entitled to demand and receive them. After 90 days from the~~

1 ~~date the election is held~~ following the election, they may be destroyed or
2 distributed by the town clerk for educational purposes or for any other purpose
3 the town clerk deems appropriate.

4 Sec. 14. 17 V.S.A. § 2587 is amended to read:

5 § 2587. RULES FOR COUNTING VOTES

6 * * *

7 (e)(1) ~~In~~ Except as provided in this subsection, in the case of “write-in”
8 votes, the act of writing in the name of a candidate, or pasting a label
9 containing a candidate’s name upon the ballot, without other indications of the
10 voter’s intent, shall constitute a vote for that candidate, even though the voter
11 did not fill in the square or oval after the name.

12 (2)(A) A vote for a write-in candidate shall be counted as an
13 “undeclared write-in” unless the write-in candidate filed with the Secretary of
14 State not later than 5:00 p.m. on the Friday preceding the general election a
15 form consenting to candidacy for that office. The consent form shall set forth
16 the name of the candidate, the name of the office for which he or she consents
17 to be a candidate, the candidate’s town of residence, and his or her correct
18 mailing address.

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

21 (3) The election officials counting ballots and tallying results shall only
22 list every person those write-in candidates who receives received a “write-in”

1 vote and who complied with subdivision (2) of this subsection, and the number
2 of votes received.

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

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

8 * * *

9 * * * Recounts * * *

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

11 § 2601. RECOUNT THRESHOLD

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

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

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

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

5 § 2602k. RECOUNT TIES

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

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

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

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

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

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

19 [Repealed.]

20 (e) Warnings for a runoff election shall be posted as required by subchapter
21 5 of this chapter, except that the warnings shall be posted not less than 10 days
22 before the runoff election.

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

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

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

5 § 2621. VACANCY IN OFFICE OF U.S. SENATOR OR
6 REPRESENTATIVE

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

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

16 * * * Local Elections * * *

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

18 § 2681. NOMINATIONS; PETITIONS; CONSENTS

19 (a)(1)(A) Nominations of the municipal officers shall be by petition. The
20 petition shall be filed with the municipal clerk, together with the endorsement,
21 if any, of any party or parties in accordance with the provisions of this title, not

1 later than 5:00 p.m. on the sixth Monday preceding the day of the election,
2 which shall be the filing deadline.

3 * * *

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

9 * * *

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

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

12 CHAPTER 37. TOWN, CITY, OR VILLAGE MANAGERS

13 * * *

14 § 1241. PETITION; WARNING

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

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* * *

§ 1243. METHOD OF VOTING

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

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

~~Yes — No~~

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

* * *

* * * Campaign Finance; Reporting Dates * * *

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

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

1 POLITICAL COMMITTEES; POLITICAL PARTIES

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

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

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

13 (i) on March 15;

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

15 (iii) on September 1;

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

18 (v) two weeks after the general election.

19 (2) Each candidate for a four-year-term county office who has rolled
20 over any amount of surplus into his or her new campaign or who has made
21 expenditures or accepted contributions of \$500.00 or more during the four-year

1 general election cycle shall file with the Secretary of State campaign finance
2 reports as follows:

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

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

6 (i) on March 15;

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

8 (iii) on September 1;

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

11 (v) two weeks after the general election.

12 * * *

13 * * * Effective Dates * * *

14 Sec. 21. EFFECTIVE DATES

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

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

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

1

2

3 (Committee vote: _____)

4

5

Senator _____

6

FOR THE COMMITTEE