

**DRAFT; NOT YET EDITED; FOR COMMITTEE DISCUSSION**

1 Introduced by Referred

2 to Committee on

3 Date:

4 Subject: Elections; miscellaneous

5 Statement of purpose of bill as introduced: This bill proposes to make

6 miscellaneous amendments to election law.

7 An act relating to elections corrections

8 It is hereby enacted by the General Assembly of the State of Vermont: \* \* \*

9 Ratification of Articles of Amendment to the Vermont Constitution \* \* \* Sec.

10 1. 17 V.S.A. chapter 32 is amended to read:

11 CHAPTER 32. PUBLICATION AND RATIFICATION OF ARTICLES OF  
12 AMENDMENT TO VERMONT CONSTITUTION

13 \* \* \*

14 § 1842. TIME OF VOTING; WARNING

15 (a) The people shall be assembled for the purpose of voting on the article  
16 of amendment in their respective towns and cities at the same time and place as  
17 for the general election, on the first Tuesday after the first Monday in

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18 November, in even-numbered years, and the warning for each meeting shall  
19 contain an article, in substance as follows:

20 “To see if the ~~freemen and freewomen~~ voters will vote to accept or reject  
21 the proposed article of amendment to the Constitution of Vermont.”

22 (b) The omission of that article from the warning shall not invalidate nor  
23 affect the vote on the proposed article of amendment, and the ~~freemen and~~  
24 ~~freewomen~~ voters of each town or city shall vote on the article of amendment  
25 whether the warning contains the foregoing article or not.

26 § 1843. PROCESS OF VOTING; MAKING RETURNS; CONDUCT OF  
27 MEETINGS

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

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

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

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

42 § 1844. PUBLICATION IN NEWSPAPERS AND ON STATE WEBSITES;

43               BALLOTS

44       (a)(1) The Secretary of State shall, between September 25 and October 1 in  
45 any year in which a vote on ratification of an article of amendment is taken,  
46 prepare copies of the proposal of amendment and forward them, with a  
47 summary of proposed changes, for publication in at least two newspapers  
48 having general circulation in the State, as determined by the Secretary of State.

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

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

55 § 1845. QUALIFICATIONS OF VOTERS; CHECKLISTS, BOOTHS,

56               CLERKS



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77 amendment is taken, open and tabulate the returns made under section 1843 of  
78 this ~~title~~ chapter; and if it appears therefrom that the article of amendment has  
79 been ratified and adopted by a majority of the ~~freemen and freewomen~~ voters  
80 voting thereon, the amendment shall be enrolled on the parchment and  
81 deposited in the office of the Secretary of State as a part of the Constitution of  
82 this State and shall, in all future official revisions of the laws, be published in  
83 immediate connection therewith.

84 § 1849. PROCLAMATION BY GOVERNOR

85 The Governor shall thereupon forthwith issue his or her proclamation,  
86 attested by the Secretary of State, reciting the article of amendment and  
87 announcing the ratification and adoption of it by the people of this State under  
88 this chapter and that the amendment has become a part of the Constitution  
89 thereof and requiring all ~~magistrates and~~ officers; and all citizens of the State to  
90 take notice thereof and govern themselves accordingly; or that the article of  
91 amendment has been rejected, as the case may be.

92 § 1850. TRANSMISSION OF COPIES OF ~~ACT~~ CHAPTER AND FORMS  
93 TO CLERKS

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



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117 ~~General Assembly shall be separate from those for other county officers.~~

118 \* \* \*

119 Sec. 3. 17 V.S.A. § 1901 is amended to read:

120 § 1901. PURPOSE

121 (a) The Supreme Court of the United States has ruled that the Equal  
122 Protection Clause of the Fourteenth Amendment to the U.S. Constitution  
123 requires all state legislative bodies to be apportioned in such manner as to  
124 achieve substantially equal weighting of the votes of all voters in the choice of  
125 legislators.

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

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

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

132 § 1909. REVIEW

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

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

140 \* \* \*

141 \* \* \* Voter Registration \* \* \*

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

143 § 2145a. REGISTRATIONS AT THE DEPARTMENT OF MOTOR  
144 VEHICLES

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

150 \* \* \*

151 (i) The Department of Motor Vehicles shall share its motor vehicle driver's  
152 license and nondriver identification card customer data with the Secretary of  
153 State's office for the Secretary's use in conducting voter registration and voter  
154 checklist maintenance activities.

155 Sec. 6. 17 V.S.A. § 2145b is amended to read:

156 § 2145b. VOTER REGISTRATION AGENCIES



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157 (a) Each voter registration agency shall:

158 (1) distribute voter registration application forms approved  
159 under section 2145 of this title;

160 (2) assist applicants in completing voter registration  
161 application forms, unless the applicant refuses such assistance; and

162 (3) accept completed voter registration applications and  
163 transmit completed applications to the Secretary of State not later than  
164 10 days after the date of acceptance, or before the date of any primary  
165 or general election, whichever is sooner.

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

168 (c)(1) A voter registration agency shall provide each applicant who does  
169 not decline to register to vote the same degree of assistance with regard to the  
170 completion of the voter registration application that the office provides with  
171 regard to the completion of its own forms, unless the applicant refuses such  
172 assistance.

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

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176 (d) The Secretary of State shall designate voter registration agencies that  
177 shall provide qualified applicants for such agency’s services, or qualified  
178 inmates within the custody of the Department of Corrections, with automatic  
179 voter registration as an integrated option on application forms for services or  
180 benefits provided by those agencies. Prior to making any designation under  
181 this subsection, the Secretary of State shall consult with the secretary or  
182 commissioner of each voter registration agency to determine the feasibility of

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

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

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

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

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

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

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

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

205 (A) The applicant's citizenship.

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

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

208 (D) The applicant's street address or a description of the  
209 physical location of the applicant's residence. The description must  
210 contain sufficient information so that the town clerk can determine  
211 whether the applicant is a resident of the town.

212 (E) The voter's oath.

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

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

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



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243 Administration shall provide the Secretary of State any assistance that is  
244 necessary to ensure the cooperation of voter registration agencies in  
245 implementing any remedial measures the Secretary of State requires under this  
246 subsection.

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

248 § 2150. REMOVING NAMES FROM CHECKLIST

249 \* \* \*

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

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

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

259 (ii) The board of civil authority may consider and rely upon  
260 official and unofficial public records and documents, including telephone  
261 directories, city directories, newspapers, death certificates, obituary (or other

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262 public notice of death), tax records, and any checklist or checklists showing  
263 persons who voted in any election within the last four years.

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

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

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

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

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

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

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

285                    (C) The notice required by this subsection shall also include  
286                    the following:

287                    ~~(A)~~(i) A statement informing the voter that if the voter has not  
288                    changed his or her residence, or if the voter has changed his or her residence  
289                    but the change was within the area covered by the checklist, the voter should  
290                    return the form to the town clerk’s office. The statement shall also inform the  
291                    voter that if he or she fails to return the form as provided in this subdivision,  
292                    written affirmation of the voter’s address shall be required before the voter is  
293                    permitted to vote.

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

296                    (4)        If the voter confirms in writing that the voter has  
297                    changed his or her residence to a place outside the area covered by the  
298                    checklist, the board of civil authority shall remove the voter’s name  
299                    from the checklist.



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300           (5)       In the case of voters who failed to respond to the notice  
301           sent pursuant to subdivision (3) of this subsection, the board of civil  
302           authority shall remove the voter’s name from the checklist on the day  
303           after the second general election following the date of such notice, if  
304           the voter has not voted or appeared to vote in an election since the  
305           notice was sent or has not otherwise demonstrated his or her eligibility  
306           to remain on the checklist.

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

312           (B) The provisions of this chapter shall be liberally construed, so that  
313           if there is any reasonable doubt whether a person’s name should have been  
314           removed from the checklist, the person shall have the right to have the person’s  
315           name immediately returned to the checklist.

316           (7)(A) The board of civil authority shall keep detailed records of its  
317           proceedings under this subchapter for at least two years. These records, except  
318           records relating to a person’s decision not to register to vote or to the identity  
319           of the voter registration agency through which any particular voter registered,

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320 shall be public records and shall be available for inspection and copying at

321 actual cost. The records shall include:

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

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

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

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

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

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

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

341                                           \* \* \* Political Parties \* \* \*

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

343                                           CHAPTER 45. POLITICAL PARTIES

344 § 2301. ORGANIZATION OF MAJOR POLITICAL PARTIES

345           A major political party shall organize biennially as provided in this chapter.  
346 ~~No~~ A person acting on behalf of a major political party shall not accept any  
347 contribution or make any expenditure (except for the purpose of organizing  
348 under this chapter) unless the party has a current certificate of organization on  
349 file with the Secretary of State.

350 § 2302. STATE CHAIR TO CALL CAUCUS

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

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

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358 § 2303. TOWN CHAIR TO GIVE NOTICE

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

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

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

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

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

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

374 § 2304. TOWN CAUCUS

375 (a)(1) At the time and place set for the town caucus, the voters of the party  
376 residing in the town shall meet in caucus and proceed to elect a town  
377 committee, consisting of such number of voters of the town as the caucus

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378 deems necessary, to serve during the following two years or until their  
379 successors are elected or appointed.

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

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

386 § 2305. FIRST MEETING OF TOWN COMMITTEE

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

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

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

393 § 2306. PROCEDURE UPON FAILURE TO HOLD CAUCUS

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

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398 Those voters calling the caucus shall designate one ~~of their number~~ person  
399 among them to perform the duties prescribed ~~above~~ in section 2303 for the  
400 town chair.

401 § 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE  
402 DELEGATES

403 (a) Within 72 hours after the caucus, the chair and secretary of the town  
404 committee shall ~~mail~~ submit to the ~~Secretary of State and the~~ chairs of the  
405 State and county committees a copy of the notice calling the meeting and a  
406 certified list of the names, ~~and~~ mailing addresses, phone numbers, and emails  
407 of the officers and members of the town committee and of the delegates to the  
408 county committee.

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

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

415 § 2308. COMPOSITION OF COUNTY COMMITTEE

416 (a) The number of delegates to the county committee that each town  
417 caucus is entitled to elect shall be apportioned by the State committee, ~~based~~

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418 ~~upon the number of votes cast for the party's candidate for Governor in the last~~  
419 ~~election,~~ provided that each town caucus shall be entitled to elect at least two  
420 delegates.

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

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

425 § 2309. FIRST MEETING OF COUNTY COMMITTEE

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

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

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

434 (B) If the chair of the county committee receives notice that a town  
435 committee within the county has organized 10 or fewer days before the date of  
436 the first meeting of the county committee, the chair ~~must~~ shall notify the newly

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437 elected members within 48 hours of receiving notice of the organized town  
438 committee.

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

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

444 § 2310. ELECTION OF STATE COMMITTEE

445 (a)(1) The chair of the county committee shall be a member of the State  
446 committee.

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

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

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



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

459 § 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE  
460 COMMITTEE MEMBERS

461 (a) Within 72 hours of the first meeting of the county committee, its chair  
462 and secretary shall ~~mail~~ submit to ~~the Secretary of State~~ and the chair of the  
463 State committee a copy of the notice calling the meeting and a certified list of  
464 the names, ~~and~~ mailing addresses, phone numbers, and emails of the officers of  
465 the county committee and of the members elected by the county committee to  
466 the State committee.

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

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

473 § 2312. FIRST MEETING OF THE STATE COMMITTEE

474 (a) The chair of the State committee shall name an hour and place of  
475 meeting ~~on a day not less than 15 nor more than 30 days after the day set for~~

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476 ~~the first meeting of the county committee of the party,~~ at which time the  
477 members-elect of the State committee shall meet and perfect an organization  
478 of the State committee for the ensuing two years.

479 (b) The chair of the State committee shall notify all members-elect of the  
480 State committee in writing, at least ~~seven~~ ten days before the day set for the  
481 meeting.

482 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

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

487 (2) However, no State committee shall be eligible to file a certificate of  
488 organization unless it has town committees organized in at least 30 towns in  
489 this State and county committees organized in at least seven counties by  
490 January 1 of the year of the general election.

491 (b) The certificate of organization shall:

492 (1) set forth the names, ~~and~~ mailing addresses, phone numbers, and  
493 emails of the officers and members of the State committee, together with the  
494 counties that they represent. ~~It shall also;~~



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515 convention of each organized political party shall be held to make and adopt  
516 the platform of the party. ~~In presidential years, the convention shall be the~~  
517 ~~same convention held to nominate presidential electors.~~

518 \* \* \* Nominations \* \* \*

519 Sec. 9. 17 V.S.A. chapter 49 is amended to read:

520 CHAPTER 49. NOMINATIONS

521 Subchapter 1. Primary Elections

522 \* \* \*

523 § 2353. PETITIONS TO PLACE NAMES ON BALLOT

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

530 \* \* \*

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

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



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555 (b)(1) If, after the period for requesting a recount under section 2602 of this  
556 title has expired, no candidate has requested a recount and two or more  
557 candidates of the same party are tied for the same office, or if the results of any  
558 recount result in a tie the choice among those tied shall be determined upon  
559 five days' notice and not later than 10 days following the primary election by  
560 the committee of that party, which shall meet to nominate a candidate from  
561 among the tied candidates. The committee that nominates a candidate shall be  
562 as follows:

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

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

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

566 (D) the representative district committee for a Representative to the  
567 General Assembly.

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

570 \* \* \*

571 § 2370. WRITE-IN CANDIDATES

572 (a)(1) In order to have votes counted for a write-in candidate under section  
573 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the  
574 primary election, a write-in candidate shall file with the Secretary of State a

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575 form consenting to candidacy for office. The consent form shall set forth the  
576 name of the write-in candidate, the name of the office for which he or she  
577 consents to be a candidate, the candidate's town of residence, and his or her  
578 correct mailing address.

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

581 (b) A write-in candidate shall not qualify as a primary winner unless he or  
582 she:

583 (1) has complied with subsection (a) of this section; and

584 (2) receives at least one-half the number of votes as the number of  
585 signatures required for his or her office on a primary petition, except that if  
586 a write-in candidate receives more votes than a candidate whose name is  
587 printed on the ballot, he or she may qualify as a primary winner.

588 ~~(b)~~(c) The write-in candidate who qualifies as a primary winner under this  
589 section must still be determined a winner under section 2369 of this chapter  
590 before he or she becomes the party's candidate in the general election.

591 \* \* \*

592 \* \* \*

593 Subchapter 3. Independent Candidates

594 § 2401. APPLICABILITY OF SUBCHAPTER

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595       (a)(1) A person may be nominated and have his or her name printed on the  
596 general election ballot for any office as an independent candidate by filing a  
597 consent similar in form to the consent prescribed by section 2361 of this ~~title~~  
598 chapter and a statement of nomination with the Secretary of State.

599       (2) A person may be nominated as an independent candidate under this  
600 subchapter so long as the person does not also file a primary petition for that  
601 office under the provisions of subchapter 1 of this chapter, except that he or she  
602 may be nominated as an independent candidate following the primary election  
603 if the person had his or her name printed on the primary election ballot for the  
604 office but was defeated in the primary.

605       (b) In the case of a nomination for justice of the peace, the consent form  
606 and statement of nomination shall be filed with the town clerk.

607 § 2402. REQUISITES OF STATEMENT

608                                               \* \* \*

609       (b)(1) To constitute a valid nomination, a statement shall contain signatures  
610 of voters qualified to vote in an election for the office in question, equal in  
611 number to at least:

612                       (A) for presidential and vice presidential offices, 1,000;

613                       (B) for State and congressional offices, 500;

614                       (C) for county officers or State Senators, 100;

615                       (D) for Representative to the General Assembly, 50;



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616 (E) for justice of the peace, 30 or one percent of the legal  
617 voters of the municipality, whichever is less.

618 \* \* \*

619 (d)(1) A statement of nomination and a completed and signed consent form  
620 shall be filed:

621 \* \* \*

622 (C) in the case of any other independent candidate, not earlier than  
623 the fourth Monday in April and not later than 5:00 p.m. on the ~~Thursday~~  
624 ~~preceding~~ Friday following the primary election prescribed by section 2351 of  
625 this chapter, and not later than 5:00 p.m. ~~of the third day prior to~~ on the day of  
626 Friday following a special primary election.

627 \* \* \*

628 Subchapter 4. Miscellaneous Provisions

629 \* \* \*

630 § 2412a. INCOMPATIBLE OFFICES; CHOICE OF CANDIDACY

631 (a) A candidate who has been validly nominated by one of the methods  
632 prescribed in this chapter for two or more offices that are incompatible under  
633 Vt. Const. Ch. II, § 54 shall be required to choose the one incompatible office  
634 for which he or she will be a candidate. A person may be a candidate for only  
635 one incompatible office.



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

657 § 2458. COMPLAINT PROCEDURE

658 (a)(1) The Secretary of State shall adopt rules to establish a uniform and  
659 nondiscriminatory complaint procedure to be used by any person who believes  
660 that a violation of this title or any other provision of ~~Title III of United States~~  
661 ~~Public Law 107-252~~ 52 U.S.C. chapter 209, subchapter III (Uniform and  
662 Nondiscriminatory Election Technology and Administration Requirements)  
663 has occurred, is occurring, or is about to occur in the course of any election in  
664 which a candidate for federal office appears on the ballot.

665 (b) For purposes of this section, “complaint” shall mean a statement in  
666 writing made by a voter stating, with particularity, the violation, notarized, and  
667 sworn or affirmed under penalty of perjury.

668 (c) The Secretary’s rules shall provide for an informal proceeding to hear  
669 complaints for all complainants unless a formal hearing is requested. Formal  
670 complaints held pursuant to this section shall be in conformance with the rules  
671 adopted by the Secretary.

672 (d) Any decision of the Secretary may be appealed to the Superior Court in  
673 the county where the individual resides.

674 \* \* \* Conduct of Elections \* \* \*

675 Sec. 11. 17 V.S.A. § 2473 is amended to read:

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676 § 2473. PROVISIONS RELATIVE TO PRESIDENTIAL ELECTION

677 \* \* \*

678 (c)(1) If a candidate whose name is not printed on the ballot receives the  
679 greatest number of votes for President, the Secretary of State shall notify him  
680 or her of that fact, and within two weeks thereafter, the candidate shall file with  
681 the Secretary of State, a list of ~~freemen and freewomen~~ voters equal to the  
682 number of electors that the State is entitled to elect. The list shall be signed by  
683 the candidate personally.

684 (2) The persons so named shall be electors, having the duties prescribed  
685 in this title.

686 Sec. 12. 17 V.S.A. § 2474 is amended to read:

687 § 2474. CHOICE OF PARTY

688 (a)(1) A person nominated by any means for the same office by more than  
689 one political party ~~may~~ shall elect, not later than 5:00 p.m. on the tenth day  
690 following the primary election, the party ~~or parties in~~ for which the nominee  
691 will be a candidate. A person may only be a candidate for one political party.  
692 The nominee shall notify in writing the Secretary of State or town clerk, as the  
693 case may be, of such choice by that deadline, and only the party ~~or parties~~ that  
694 the nominee so elects shall be printed next to the nominee's name on the ballot.

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

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

701 (B) ~~any~~ the major political ~~parties~~ party that nominated the nominee  
702 by the party committee, in the order in which the nominations were submitted  
703 to the Secretary of State;

704 (C) ~~any~~ the major political ~~parties~~ party for which the nominee  
705 received write-in votes, in an order from highest to lowest vote counts; and

706 (D) ~~any~~ the minor political ~~parties~~ party that nominated the nominee  
707 by party committee, in the order in which the nominations were submitted to  
708 the Secretary of State.

709 ~~(b)(1) A candidate for State office who is the nominee of two or more~~  
710 ~~political parties shall file with the Secretary of State, not later than 5:00 p.m.~~  
711 ~~the tenth day following the primary election, a statement designating for which~~  
712 ~~party the votes cast for him or her shall be counted for the purposes of~~  
713 ~~determining whether his or her designated party shall be a major political party.~~

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714 ~~The party so designated shall be the first party to be printed immediately after~~  
715 ~~the candidate's name on the ballot.~~

716 ~~(2) If a candidate does not file the statement by that deadline, the~~  
717 ~~Secretary of State shall designate the party for which the votes cast shall be~~  
718 ~~counted as provided in subdivision (a)(2) of this section. [Repealed.]~~

719 Sec. 13. 17 V.S.A. § 2508 is amended to read:

720 § 2508. CAMPAIGNING DURING POLLING HOURS; VOTER ACCESS

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

723 (A) within the building containing a polling place, no  
724 campaign literature, stickers, buttons, name stamps, information on  
725 write-in candidates, or other political materials containing a  
726 reference to a candidate on the ballot, question the ballot, or  
727 organized political party are displayed, placed, handed out, or  
728 allowed to remain;

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

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

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

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

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

743 \* \* \* Early or Absentee Voters \* \* \*

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

745 Subchapter 6. Early or Absentee Voters

746 § 2531. APPLICATION FOR EARLY VOTER ABSENTEE BALLOT

747 (a) Deadline to file.

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

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

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

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

762           (b)       Place of filing.

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

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

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

771 § 2532. ~~APPLICATIONS~~ AUTHORIZED APPLICANTS; APPLICATION



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772            FORM; DUPLICATES

773            (a) Authorized applicants.

774            (1)(A) An early or absentee voter, or an authorized family member or  
775 health care provider acting in the voter’s behalf, may apply for an early voter  
776 absentee ballot by telephone, in person, or in writing. “Family member” here  
777 means a person’s spouse, children, brothers, sisters, parents, spouse’s parents,  
778 grandparents, and spouse’s grandparents.

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

782            (b)(2) Form of application.

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

784            **REQUEST FOR EARLY VOTER ABSENTEE BALLOT**

785 Name of early or absentee voter: \_\_\_\_\_

786 Voter’s Town of Residence: \_\_\_\_\_

787 Current physical address (address where you reside): \_\_\_\_\_

788 \_\_\_\_\_

789 Telephone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

790 Date: \_\_\_\_\_

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

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- 792 (1) Annual Town Meeting;
- 793 (2) All other local elections;
- 794 (3) August Primary Election;
- 795 (4) Presidential Primary (YOU MUST SELECT PARTY);
- 796 (5) November General Election;
- 797 (6) All elections in this calendar year.

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

799 (1) Mail to voter at: \_\_\_\_\_  
800 Street or P.O. Box Town/City State Zip Code

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

803 If applicant is other than early or absentee voter:

804 Name of applicant: \_\_\_\_\_

805 Address of applicant: \_\_\_\_\_

806 Relationship to early or absentee voter: \_\_\_\_\_

807 Organization, if applicable: \_\_\_\_\_

808 Date: \_\_\_\_\_ Signature of applicant: \_\_\_\_\_

809 ~~(3)~~(2) If the application is made by telephone or in writing, the  
810 information supplied ~~must~~ shall be in substantial conformance with the  
811 information requested on this form.

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812 (b) ~~———— A person temporarily residing in a foreign country who is~~  
813 ~~eligible to register to vote in this State, or a military service absentee voter~~  
814 ~~who is eligible to register to vote in this State, may apply for early voter~~  
815 ~~absentee ballots in the same manner and within the same time limits that~~  
816 ~~apply for other early or absentee voters. An official federal postcard~~  
817 ~~application shall suffice as a simultaneous request for an application for~~  
818 ~~addition to the checklist and for an early voter absentee ballot, when~~  
819 ~~properly submitted. Any other person also may make a simultaneous~~  
820 ~~request for an application for addition to the checklist and for an early voter~~  
821 ~~absentee ballot.~~

822 (e) Simultaneous voter registration.

823 (1) If a person makes a simultaneous request to register to  
824 vote and to apply for an early voter absentee ballot or if the request  
825 for an early voter absentee ballot is made for a person who is not yet  
826 registered, and the request is received by the town clerk receives the  
827 request prior to the deadline for requesting to apply for early voter  
828 absentee ballots set forth in section 2531 of this chapter subchapter,  
829 the town clerk shall mail a blank voter registration application for  
830 addition to the checklist, together with a full set of early voter  
831 absentee ballots, to that person.

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

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

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

842                   ~~(d)~~           Application timeframe.

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

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

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

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

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

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

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

862            ~~(f)~~ (f) Unauthorized applicants.

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

869            (2) The Attorney General or a State's Attorney, whenever  
870 he or she has reason to believe any person to be or to have been in

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871 violation of this provision, shall conduct a civil investigation in  
872 accordance with the procedures set forth in section 2904 of this title.

873 \* \* \*

874 § 2537. EARLY OR ABSENTEE VOTING IN THE TOWN CLERK'S  
875 OFFICE

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

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

882 (3) The voter may:

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

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

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

892 § 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

893 (a)(1) In the case of persons who are early or absentee voters due to illness,  
894 injury, or ~~physical~~ disability, ballots shall be delivered in the following  
895 manner, unless the early or absentee voter has requested pursuant to section  
896 2539 of this ~~title~~ subchapter that the early voter absentee ballots be mailed or  
897 electronically delivered.

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

906 (3) If there shall not be available a sufficient number of justices to  
907 make up the required number of pairs, a member of each remaining pair shall  
908 be designated by the board, to be selected from lists of registered voters

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909 submitted by the chairs of the town committees of political parties, and from  
910 among registered voters who in written application to the board state that they  
911 are not affiliated with any political party.

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

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

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

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

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



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

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

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

941 § 2539. ~~MAILING~~ DELIVERY OF EARLY VOTER ABSENTEE

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

943       (a)       Default; town office or mail.

944           (1)   ~~Unless~~ Except as provided in subsections (b) and (c) of  
945 this section, unless the early or absentee voter votes in the town  
946 clerk's office as set forth in section 2537 of this subchapter, or  
947 ~~unless the justices are to deliver the early voter absentee ballots to~~  
948 ~~the early or absentee voter,~~ the town clerk shall provide to the early

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949 or absentee voter who comes to the town clerk's office a complete  
950 set of early voter absentee ballots or mail a complete set of early  
951 voter absentee ballots to each early or absentee voter for whom a  
952 valid application has been filed.

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

956 (b) Voters who are ill, injured, or have a disability. In the case of  
957 persons who are early or absentee voters due to illness, injury, or ~~physical~~  
958 disability, if the voter or authorized person requests in his or her application  
959 or otherwise that early voter absentee ballots be mailed ~~rather than delivered~~  
960 ~~by justices of the peace~~ or electronically delivered, the town clerk shall  
961 mail or electronically deliver the ballots; otherwise the ballots shall be  
962 delivered to ~~such voters~~ the voter by justices of the peace as set forth in  
963 section 2538 of this subchapter. ~~In the case of all other early or absentee~~  
964 ~~voters, the town clerk shall mail the early voter absentee ballots, unless the~~  
965 ~~voter chooses to apply and vote in person at the town clerk's office.~~

966 (c) Military or overseas voters.

967 (1) Early voter absentee ballots ~~to~~ for military or overseas  
968 voters shall be sent air mail, first class, postpaid when such service

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969 is available, or they may be ~~sent by email~~ electronically delivered  
970 when requested by the voter.

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

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

979 § 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

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

983 INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

- 984 1. Mark the ballots.  
985 2. Place them in this envelope.  
986 3. Fill out and sign the certificate on the envelope.

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987 4. Mail or deliver the envelope containing the ballots to the town clerk of the  
988 town where you are a registered voter in time to arrive not later than  
989 election day.

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

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

997 (b) In the case of early absentee voting in a primary, the instructions shall  
998 also include appropriate instructions prepared by the Secretary of State for  
999 separating and depositing unvoted ballots in a separate envelope provided and  
1000 clearly marked for that purpose.

1001 § 2541. MARKING OF BALLOTS

1002 (a) An early or absentee voter to whom ballots, envelopes, and instructions  
1003 are mailed shall mark the ballots in accordance with the instructions.

1004 (b) ~~When an early or absentee voter is blind or is physically unable to go to~~  
1005 ~~the polls to vote in person or to mark his or her ballots, they may be marked by~~  
1006 ~~one of the officers who delivers the ballots, in the presence of the other officer.~~

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1007 A person who gives assistance to a voter in the marking or registering of  
1008 ballots shall not in any way divulge any information regarding the choice of  
1009 the voter or the manner in which the voter's ballot was cast.

1010 (c) If an early or absentee voter makes an error in marking a ballot, the  
1011 voter may return that ballot by mail or in person to the town clerk and receive  
1012 another ballot, consistent with the provisions of section 2568 of this ~~title~~  
1013 chapter.

1014 \* \* \*

1015 § 2547. DEFECTIVE BALLOTS

1016 (a) If upon examination by the election officials it shall appear that any of  
1017 the following defects is present, either the ballot or the unopened certificate  
1018 envelope shall be marked "defective" and the ballot shall not be counted:

1019 (1) the identity of the early or absentee voter cannot be determined;

1020 (2) the early or absentee voter is not legally qualified to vote;  
1021 ~~(2)~~(3) the early or absentee voter has voted in person or previously

1022 returned a ballot in the same election;

1023 (3) ~~the affidavit on the certificate envelope is not completed;~~

1024 (4) the certificate is not signed;

1025 (5) the voted ballot is not in the certificate envelope; or

1026 (6) in the case of a primary vote, the early or absentee voter has  
1027 failed to return the unvoted primary ballots.

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1028 (b) Each defective ballot or unopened certificate envelope shall be:

1029 (1) affixed with a note from the presiding officer indicating the  
1030 reason it was determined to be defective;

1031 (2) placed with other such defective ballots in an envelope marked  
1032 “Defective Ballots - Voter Checked Off Checklist - Do Not Count”; and

1033 (3) returned in that envelope to the town clerk in the manner  
1034 prescribed by section 2590 of this ~~title~~ chapter.

1035 (c) The provisions of this section shall be indicated prominently in the  
1036 early or absentee voter material prepared by the Secretary of State.

1037

\* \* \*

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1038 \* \* \* Process of Voting \* \* \*

1039 15. 17 V.S.A. § 2568 is amended to read:

1040 § 2568. REMOVING BALLOTS FROM POLLING PLACE;

1041 REPLACEMENT, ~~BLANK,~~ AND UNUSED BALLOTS

1042 (a) Removing ballots from polling place. A person shall not take or  
1043 remove a ballot from the polling place before the close of the polls.

1044 (b) Replacement ballots.

1045 \* \* \*

1046 (c) Unused ballots. Ballots originally delivered to the presiding officer  
1047 that remain undistributed to the voters shall be preserved and returned to the  
1048 town clerks, and ~~the clerk shall preserve them in such condition, unless called~~  
1049 ~~for by some authority entitled to demand and receive them. After 90 days~~  
1050 ~~from the date the election is held~~ following the election, they may be destroyed  
1051 or distributed by the town clerk for educational purposes or for any other  
1052 purpose the town clerk deems appropriate.

1053 Sec. 16. 17 V.S.A. § 2587 is amended to read:

1054 § 2587. RULES FOR COUNTING VOTES

1055 \* \* \*

1056 (e)(1) ~~In~~ Except as provided in this subsection, in the case of “write-in”  
1057 votes, the act of writing in the name of a candidate, or pasting a label

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1058 containing a candidate's name upon the ballot, without other indications of the  
1059 voter's intent, shall constitute a vote for that candidate, even though the voter  
1060 did not fill in the square or oval after the name.

1061 (2)(A) A vote for a write-in candidate shall be counted as blank, unless  
1062 the write-in candidate filed with the Secretary of State not later than 5:00 p.m.  
1063 on the second Friday preceding the general election a form consenting to  
1064 candidacy for that office. The consent form shall set forth the name of the  
1065 candidate, the name of the office for which he or she consents to be a  
1066 candidate, the candidate's town of residence, and his or her correct mailing  
1067 address.

1068 (B) The Secretary of State shall prepare and furnish forms for this  
1069 purpose.

1070 (3) The election officials counting ballots and tallying results shall only  
1071 list ~~every person~~ those write-in candidates who ~~receives~~ received a "write-in"  
1072 vote and who complied with subdivision (2) of this subsection, and the number  
1073 of votes received.

1074 (A) On each tally sheet, the counters shall add together the names  
1075 of candidates that are clearly the same person, even though a nickname or last  
1076 name is used.



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1077 (B) Names of fictitious or deceased persons shall not be listed and  
1078 shall be recorded on the tally sheet as a blank vote.

1079 \* \* \*  
1080 \* \* \* Recounts \* \* \*

1081 17. 17 V.S.A. § 2601 is amended to read:

1082 § 2601. RECOUNT THRESHOLD

1083 (a)(1) In an election for federal office, statewide office, county office, or  
1084 State Senator, if the difference between the number of votes cast for a winning  
1085 candidate and the number of votes cast for a losing candidate is two percent or  
1086 less of the total votes cast for all the candidates for an office, divided by the  
1087 number of persons to be elected, that losing candidate shall have the right to  
1088 have the votes for that office recounted.

1089 (2) In an election for State Representative, if the difference between the  
1090 number of votes cast for a winning candidate and the number of votes cast for  
1091 a losing candidate is five percent or less of the total votes cast for all the  
1092 candidates for an office, divided by the number of persons to be elected, that  
1093 losing candidate shall have the right to have the votes for that office recounted.

1094 (b) In the case of a recount for a local election, the threshold and  
1095 procedures for conducting the recount shall be as provided in chapter 55,  
1096 subchapter 3 of this title.

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1097 Sec. 18. 17 V.S.A. § 2602k is amended to read:

1098 § 2602k. RECOUNT TIES

1099 (a)(1) If a recount of a primary election results in a tie, the provisions of  
1100 subsection 2369(b) of this title shall apply.

1101 (2) If a recount of a public question results in a tie, a runoff  
1102 election shall not be held, and the question shall be certified not to have  
1103 passed.

1104 (3) If ~~the~~ a recount of a general election results in a tie, the  
1105 provisions of this section shall apply, and the court shall order a runoff  
1106 election to be held, within three weeks of the recount, on a date set by  
1107 the court.

1108 (b) The only candidates who shall appear on the ballot at the runoff  
1109 election shall be those who tied in the previous election.

1110 (c) The runoff election shall be considered a separate election for the  
1111 purpose of voter registration under chapter 43 of this title.

1112 ~~(d) If the recount confirms a tie as to any public question, a runoff election~~  
1113 ~~shall not be held, and the question shall be certified not to have passed.~~

1114 [Repealed.]

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1115 (e) Warnings for a runoff election shall be posted as required by  
1116 subchapter 5 of this chapter, except that the warnings shall be posted not less  
1117 than 10 days before the runoff election.

1118 (f) The conduct of a runoff election shall be as provided in this chapter for  
1119 general elections.

1120 \* \* \* Special Election for Congressional Vacancies \* \* \*

1121 19. 17 V.S.A. § 2621 is amended to read:

1122 § 2621. VACANCY IN OFFICE OF U.S. SENATOR OR  
1123 REPRESENTATIVE

1124 (a) If a vacancy occurs in the office of U.S. Senator or U.S.  
1125 Representative, the Governor shall call a special election to fill the vacancy.  
1126 His or her proclamation shall specify a day for the special election and a day  
1127 for a special primary, pursuant to section 2352 of this title.

1128 (b) The special election shall be held not more than ~~three~~ six months from  
1129 the date the vacancy occurs, except that if the vacancy occurs within six  
1130 months of a general election, the special election may be held the same day as  
1131 the general election so long as the ballots for the special election are able to be  
1132 distributed by the deadline set forth in section 2479 of this title.

1133 \* \* \* Local Elections \* \* \*

1134 Sec. 20. 17 V.S.A. § 2681 is amended to read:

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Sec.

1135 § 2681. NOMINATIONS; PETITIONS; CONSENTS

1136 (a)(1)(A) Nominations of the municipal officers shall be by petition. The  
1137 petition shall be filed with the municipal clerk, together with the endorsement,  
1138 if any, of any party or parties in accordance with the provisions of this title, not  
1139 later than 5:00 p.m. on the sixth Monday preceding the day of the election,  
1140 which shall be the filing deadline.

1141 \* \* \*

1142 (3) A petition shall contain the name of only one candidate, ~~and the~~  
1143 ~~candidate's name shall appear on the petition as it does on the voter checklist.~~  
1144 ~~A voter shall not sign more than one petition for the same office, unless more~~  
1145 ~~than one nomination is to be made, in which case the voter may sign as many~~  
1146 ~~petitions as there are nominations to be made for the same office.~~

1147 \* \* \*

1148 Sec. 21. 17 V.S.A. § 2681a is amended to read:

1149 § 2681a. LOCAL ELECTION BALLOTS

1150 (a)(1) Ballots Except as provided in subdivision (2) of this subsection,  
1151 ballots for local officers and local public questions shall be prepared at town  
1152 expense, under the direction of the town clerk, not later than 20 days before the  
1153 local election.

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1154                   (2)       If a local election is being held on the same day as a  
1155                   statewide primary or general election, excluding the presidential  
1156                   primary, ballots for that local election shall be prepared at town  
1157                   expense, under the direction of the town clerk, not later than 46 days  
1158                   before the local election.

1159                   (3)       These Local election ballots may be any color and the  
1160                   printing shall be black; in other respects, they shall conform as nearly  
1161                   as may be practicable to the form of the consolidated ballot in chapter  
1162                   51, subchapter 2 of this title, except as otherwise provided in this  
1163                   section.

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1164 (b)(1) On the local election ballot, the candidate’s name shall appear as  
1165 provided in his or her consent form.

1166 (2) The board of civil authority may vote to list a street address for each  
1167 candidate, or the town of residence of each candidate, or no residence at all for  
1168 each candidate.

1169 (c) ~~No~~ A political party or other designation shall not be listed unless the  
1170 municipal charter provides for such listing, the town has voted at an earlier  
1171 election to provide such a listing or, in the absence of previous consideration  
1172 of the question by the town, the legislative body decides to permit listing. If  
1173 political party or other designations are permitted, ~~no~~ a candidate shall not use  
1174 the name of a political party whose certificate of organization has been filed  
1175 properly with the Secretary of State unless the candidate has been endorsed by  
1176 a legally called town caucus of that political party for the office in question. In  
1177 any event, the candidate must still file the petition and consent form required  
1178 by section 2681 of this ~~title~~ chapter.

1179 (d) The names of candidates for the same office, but for different terms of  
1180 service, shall be arranged in groups according to the length of their respective  
1181 terms.

1182 (e) Public questions shall be written in the form of a question, with boxes  
1183 indicating a choice of “yes” and “no” directly under or to the right side of the

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1184 public question. ~~No~~ A public question shall not pass unless a majority of the  
1185 votes, excluding blank and overvotes, is cast in favor of the proposition.

1186 \* \* \* Voting on Town Manager Form of Government \* \* \*

1187 Sec. 22. 24 V.S.A. chapter 37 is amended to read:

1188 CHAPTER 37. TOWN, CITY, OR VILLAGE MANAGERS

1189 \* \* \*

1190 § 1241. PETITION; WARNING

1191 When voters, in number equal to five percent of the ~~legal~~ registered voters  
1192 in town, petition the selectboard ~~therefor~~ in writing to adopt or rescind the  
1193 town manager form of governance, the warning for the annual or special  
1194 meeting ~~which~~ that shall be called upon such petition shall contain an article in  
1195 substantially the ~~following~~ form set forth in section 1243 of this chapter: “~~To~~  
1196 ~~see if the town will vote to take advantage of the provisions of chapter 37 of~~  
1197 ~~Title 24 of the Vermont Statutes Annotated and authorize the selectboard to~~  
1198 ~~employ a town manager.~~”

1199 \* \* \*

1200 § 1243. METHOD OF VOTING

1201 ~~When the question of the adoption or rejection of~~ A town may vote at an  
1202 annual or special meeting to adopt or rescind the provisions of this chapter is  
1203 ~~submitted to a meeting wherein the Australian ballot system is used for the~~

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1204 ~~election of officers, there.~~ A vote on the question shall be ~~printed upon the~~  
1205 ~~ballots below the list of candidates the following question~~ in substantially the  
1206 following form:

1207 ~~““Will~~ Shall the [town name] ~~vote to take advantage of [adopt/rescind] the~~  
1208 town manager form of governance in accordance with the provisions of chapter  
1209 37 of Title 24 of the Vermont Statutes Annotated ~~and authorize the selectboard~~  
1210 ~~to employ a town manager?”~~

1211 Yes  — No

1212 ~~And the voter shall make a cross or X in the blank space against the answer~~  
1213 ~~he or she desires to give concerning such question. The ballots shall be~~  
1214 ~~counted forthwith by the board of civil authority and the result announced by~~  
1215 ~~the presiding officer.~~

1216 \* \* \*

1217 \* \* \* Campaign Finance; Reporting Dates \* \* \*

1218 Sec. 23. 17 V.S.A. § 2964 is amended to read:

1219 § 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,

1220 THE GENERAL ASSEMBLY, AND COUNTY OFFICE;

1221 POLITICAL COMMITTEES; POLITICAL PARTIES

1222 (a)(1) Each candidate for State office, the General Assembly, or a twoyear-  
1223 term county office who has rolled over any amount of surplus into his or her



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1224 new campaign or who has made expenditures or accepted contributions of  
1225 \$500.00 or more during the two-year general election cycle and, except as  
1226 provided in subsection (b) of this section, each political committee that has not  
1227 filed a final report pursuant to subsection 2965(b) of this chapter, and each  
1228 political party required to register under section 2923 of this chapter shall file  
1229 with the Secretary of State campaign finance reports as follows:

1230 (A) in the first year of the two-year general election cycle, on  
1231 July ~~15~~ 1; and

1232 (B) in the second year of the two-year general election cycle:

1233 (i) on March 15;

1234 (ii) on July ~~15~~ 1 and August ~~15~~ 1;

1235 (iii) on September 1;

1236 (iv) on October 1, October 15, and the Friday before the general  
1237 election; and

1238 (v) two weeks after the general election.

1239 (2) Each candidate for a four-year-term county office who has rolled  
1240 over any amount of surplus into his or her new campaign or who has made  
1241 expenditures or accepted contributions of \$500.00 or more during the four-year  
1242 general election cycle shall file with the Secretary of State campaign finance  
1243 reports as follows:

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1244 (A) in the first three years of the four-year general election cycle, on

1245 July ~~15~~ 1; and

1246 (B) in the fourth year of the four-year general election cycle:

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- 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.