

S.122

An act relating to the required votes of presidential electors

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

Sec. 1. 17 V.S.A. chapter 57 (presidential elections), subchapter 4 is amended to read:

Subchapter 4. Meeting of Electors

§ 2731. CERTIFICATES OF ELECTION

When the canvassing ~~board~~ committee provided for in section 2592 of this title meets, it shall issue its certificates of election, with respect to the presidential election, to the electors nominated by the party whose candidate for ~~president~~ President has received the greatest number of votes, except that if the agreement set forth in 17 V.S.A. chapter 58 (agreement among the states to elect the President by national popular vote) governs the appointment of presidential electors as provided in subsection 2753(i) of this subchapter, the committee shall issue its certificates of election, with respect to the presidential election, to the electors nominated in association with the national popular vote winner as provided in subsection 2753(c) of this subchapter.

§ 2732. MEETING OF ELECTORS

(a) The electors shall meet at the State House on the first Monday after the second Wednesday in December next following their election, to vote for the President and Vice President of the United States, agreeably to the laws of the United States.

(b)(1) If there is a vacancy in the electoral college on that day, occasioned by death, refusal to act, neglect to attend, failure of a person elected to qualify, or for other cause, the other electors present shall at once fill such vacancy viva voce and by a plurality of votes.

(2) When all the electors appear or a vacancy therein is filled, the electors shall perform the duties required of them by the Constitution and laws of the United States.

(3) If a vacancy occurs and is filled as aforesaid, the electors shall attach to the certificate of their votes a statement showing how such a vacancy occurred and their action thereon.

(c)(1) ~~The electors must~~ Each elector shall vote for the candidates for President and Vice President who ~~received the greatest number of votes at the general election~~ were nominated by the same political party or organization that nominated the elector or for the legal successor who has replaced that candidate for President and Vice President due to the candidate's death, resignation, or disqualification.

(2) Each elector shall present the elector's completed ballots to the Secretary of State, who shall examine them.

(3)(A) The Secretary of State shall accept and count the ballots of an elector who has voted for the candidates for President and Vice President required under subdivision (1) of this subsection (c).

(B) The Secretary of State shall not accept and shall not count an elector's ballots if the elector has not marked both ballots or has marked one ballot in violation of subdivision (1) of this subsection (c).

(4) If an elector refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of subdivision (1) of this subsection (c), then the elector's office is vacated, the Secretary of State shall declare the creation of the vacancy, and the vacancy shall be filled as set forth in subsection (b) of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2022.