

1 S.122

2 Introduced by Senator Pearson

3 Referred to Committee on Government Operations

4 Date: March 12, 2021

5 Subject: Elections; presidential elections; electors; ensuring required vote

6 Statement of purpose of bill as introduced: This bill proposes to ensure that
7 presidential electors vote for the presidential and vice presidential candidates
8 required by law.

9 An act relating to the required votes of presidential electors

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

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

13 Subchapter 4. Meeting of Electors

14 § 2731. CERTIFICATES OF ELECTION

15 When the canvassing ~~board~~ committee provided for in section 2592 of this
16 title meets, it shall issue its certificates of election, with respect to the
17 presidential election, to the electors nominated by the party whose candidate
18 for ~~president~~ President has received the greatest number of votes, except that if
19 the agreement set forth in 17 V.S.A. chapter 58 (agreement among the states to

1 elect the President by national popular vote) governs the appointment of
2 presidential electors as provided in subsection 2753(i) of this subchapter, the
3 committee shall issue its certificates of election, with respect to the presidential
4 election, to the electors nominated in association with the national popular vote
5 winner as provided in subsection 2753(c) of this subchapter.

6 § 2732. MEETING OF ELECTORS

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

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

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

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

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

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

 (3)(A) The Secretary of State shall accept and ~~not~~ 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).

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

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

17 Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, ~~2021~~2022.