

1 H.429

2 Representative Sibia of Dover moves that the bill be amended as follows:

3 First: By adding six new sections to be Secs. 11a–11f and accompanying  
4 reader assistance headings to read as follows:

5 \* \* \* Redesignation \* \* \*

6 Sec. 11a. REDESIGNATION

7 17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

8 \* \* \* Ranked-Choice Voting Requirements for Presidential Primary

9 Elections \* \* \*

10 Sec. 11b. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

11 Subchapter 1. Presidential Primary

12 § 2700. DEFINITIONS

13 As used in this subchapter:

14 (1) “Active candidate” means a candidate who has not been eliminated  
15 and who is not a withdrawn candidate as set forth in subdivision (12) of this  
16 section.

17 (2) “By lot” means a method, determined by the Secretary of State, for  
18 randomly choosing between two or more active candidates.

19 (3) “Highest-ranked active candidate” means the active candidate  
20 assigned a higher ranking than any other active candidate.

1           (4) “Inactive ballots” means ballots that do not count as votes for any  
2           candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of  
3           this title.

4           (5) “Major political party” has the same meaning as in subdivision  
5           2103(23)(A) of this title.

6           (6) “Overvote” means an instance in which a voter assigned the same  
7           ranking to more than one candidate.

8           (7) “Ranking” means the number available to be assigned by a voter to a  
9           candidate to express the voter’s choice for that candidate. The number “1” is  
10          the highest ranking, followed by “2,” and then “3” and so on.

11          (8) “Round” means an instance of the sequence of voting tabulation in  
12          accordance with section 2706 of this title.

13          (9) “Skipped ranking” means a voter does not assign a certain available  
14          ranking to any candidate but does assign a subsequent available ranking to a  
15          candidate.

16          (10) “Threshold for receiving delegates” means the number of votes  
17          necessary for a candidate to receive delegates in a presidential primary election  
18          conducted in accordance with subdivision 2705(a)(2) of this title.

19          (11) “Undervote” means a ballot on which a voter does not assign any  
20          ranking to any candidate in a particular contest.



1           (1) The ballot shall allow voters to rank candidates in order of choice.  
2           The names of all candidates on the ballot shall be listed in alphabetical order.  
3           ~~Each voter may vote for one candidate for the presidential nomination of one~~  
4           ~~party, either by placing a mark opposite the printed name of a candidate as in~~  
5           ~~other primaries, or by writing in the name of the candidate of the voter's~~  
6           ~~choice.~~

7           (2) The ballot shall allow voters to assign rankings to candidates that are  
8           equal to the number of printed candidate names and blank write-in lines,  
9           except to the extent established by the Secretary pursuant to section 2709 of  
10          this title.

11          § 2705. TYPE OF RANKED-CHOICE VOTING

12          (a) At least 150 days before the date of the presidential primary election,  
13          the State committee of each major political party shall confirm in writing with  
14          the Secretary of State whether the party will award delegates either:

15                 (1) on a winner-take-all basis in accordance with subsection 2706(d) of  
16                 this title; or

17                 (2) on a proportional basis in accordance with subsection 2706(e) of this  
18                 title, in which case the party shall also indicate the applicable threshold or  
19                 thresholds for receiving delegates.

20                 (b) If a party fails to provide notice, or its notice does not specify how the  
21                 party will award its delegates, the presidential primary election for that party

1 shall be tabulated on a winner-take-all basis in accordance with subsection  
2 2706(d) of this title.

3 (c) At least 120 days before the date of the presidential primary election,  
4 the Secretary of State shall confirm with the State committee of each political  
5 party that the State is capable of implementing the party's preferences as  
6 declared under subsection (a) of this section or shall notify the State committee  
7 of any feasibility constraints that could prevent the State from implementing  
8 the party's preferences.

9 § 2706. RANKED-CHOICE VOTING TABULATION

10 (a) Tabulation rounds. In any presidential primary election for a major  
11 political party, each ballot shall count as one vote for the highest-ranked active  
12 candidate on that ballot. Tabulation shall proceed in rounds. Each round  
13 proceeds sequentially as described in subsection (d) or (e) of this section, as  
14 applicable.

15 (b) Withdrawn candidates. Ranking orders containing withdrawn  
16 candidates shall be treated the same as ranking orders containing candidates  
17 who have been eliminated from tabulation.

18 (c) Inactive ballots and undervotes.

19 (1) In any round of tabulation, an inactive ballot does not count for any  
20 candidate and is not considered a vote for the purposes of determining either  
21 which active candidate has the majority of the active votes in the final round of

1 tabulation pursuant to subsection (d) of this section or which active candidates  
2 possess a vote total above the threshold for receiving delegates pursuant to  
3 subsection (e) of this section.

4 (2) A ballot is an inactive ballot if any of the following is true:

5 (A) The ballot does not rank any active candidates and is not an  
6 undervote.

7 (B) The ballot has reached an overvote.

8 (C) The ballot has reached two consecutive skipped rankings.

9 (3) An undervote does not count as either an active or inactive ballot in  
10 any round of tabulation.

11 (d) Award of delegates on winner-take-all basis. If a major political party  
12 awards all of the State’s delegates to a single candidate on a winner-take-all  
13 basis, tabulation shall proceed as follows:

14 (1) If there are two or fewer active candidates, then tabulation is  
15 complete, and the candidate with the most votes is declared the winner of the  
16 election.

17 (2) If there are more than two active candidates, the active candidate  
18 with the fewest votes is eliminated, the votes for the eliminated candidate are  
19 transferred to each ballot’s next-ranked active candidate, and a new round  
20 begins.

1           (3) If there is a tie between two active candidates with the fewest votes,  
2           the tie shall be resolved by lot to determine which candidate is defeated. The  
3           result of the tie resolution must be recorded and reused in the event of a  
4           recount.

5           (4) If there is a tie between the final two active candidates, the Secretary  
6           of State shall notify each active candidate involved in the tie, or the candidate's  
7           designee, to be present at the Secretary of State's office at a certain time. At  
8           that time, the Secretary of State shall select the winner of the tabulation by lot.

9           (e) Award of delegates on proportional basis. If a major political party  
10          awards the State's delegates to multiple candidates on a proportional basis,  
11          tabulation shall proceed as follows:

12           (1) If the vote total of every active candidate is above the threshold for  
13           receiving delegates as confirmed by the major political party pursuant to  
14           subdivision 2705(a)(2) of this title, then tabulation is complete.

15           (2) If any active candidate is below the threshold for receiving  
16           delegates, then the active candidate with the fewest votes is eliminated, votes  
17           for the eliminated candidate are transferred to each ballot's next-ranked active  
18           candidate, and a new round begins.

19           (3) If there is a tie between two active candidates with the fewest votes  
20           and tabulation is not yet complete, the tie shall be resolved by lot to determine

1 which candidate is defeated. The result of the tie resolution must be recorded  
2 and reused in the event of a recount.

3 (f) Certification of tabulation rounds. The Secretary of State shall certify  
4 the results of each round tabulated pursuant to subsection (d) or (e) of this  
5 section, as applicable, along with any other information required under section  
6 2707 of this title, to the State chairperson and the national committee of each  
7 political party that had at least one candidate on the State-administered  
8 presidential primary election ballot to allocate national delegate votes in  
9 accordance with the party’s State and national rules.

10 (g) Political party allocation of delegates. Nothing in this act shall be  
11 construed to preclude a political party from allocating delegates according to  
12 its own rules for allocating such delegates.

13 § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

14 (a) Unofficial preliminary round-by-round results and unofficial  
15 preliminary cast vote records shall be released as soon as feasible after the  
16 polls close and at regular intervals thereafter until the counting of ballots is  
17 complete.

18 (1) Unofficial preliminary round-by-round results shall be clearly  
19 labeled as preliminary and, to the extent feasible, shall include the percent of  
20 ballots counted to date.

21 (2) Unofficial preliminary cast vote records shall be:

1           (A) clearly labeled as preliminary and, to the extent feasible, shall  
2           include the percent of ballots counted to date;

3           (B) published online in a publicly accessible, electronic format; and

4           (C) published in a manner consistent with the need to maintain voter  
5           privacy.

6           (b) In addition to any other information required by law to be reported with  
7           the final results, the following shall be made public:

8           (1) the total number of votes each candidate received in each round  
9           of the official tabulation, including votes for withdrawn candidates;

10           (2) the total number of ballots that became inactive in each round  
11           because they did not contain any active candidates, reached an overvote, or  
12           reached two consecutive skipped rankings, reported as separate figures; and

13           (3) the cast vote records in a publicly accessible, electronic format  
14           and by district, published in a manner consistent with the need to maintain  
15           voter privacy.

16           (c) If a major political party allocates delegates by geographical unit or  
17           district, round-by-round results by geographical unit or district shall be made  
18           public in addition to statewide results.

19           § 2708. CANVASSING COMMITTEE CERTIFICATES

20           When the canvassing committee provided for in section 2592 of this title  
21           prepares its certificate of election for a presidential primary election for a

1 major political party, the canvass shall state the number of final round votes  
2 received by each candidate who has received votes in the final round of  
3 tabulation.

4 \* \* \* Voter and Election Official Education \* \* \*

5 Sec. 11c. VOTER AND ELECTION OFFICIAL EDUCATION;  
6 SECRETARY

7 OF STATE'S OFFICE

8 The Secretary of State shall make available to voters information regarding  
9 the ranked-choice process and provide to election officials training in order to  
10 assist them in implementing that process.

11 \* \* \* Vote Tabulators; Returns \* \* \*

12 Sec. 11d. TALLY SHEETS; SUMMARY SHEETS; RETURNS

13 The Secretary of State shall ensure that on or before January 1, 2025,  
14 all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are  
15 designed to record ranked-choice voting results in accordance with this act.

16 \* \* \* Rulemaking Authority; Office of the Secretary of State \* \* \*

17 Sec. 11e. 17 V.S.A. § 2709 is added to read:

18 § 2709. RULEMAKING

19 The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for  
20 the proper and efficient administration of presidential primary elections,  
21 including procedures for ensuring that voting tabulators, voting tabulator

1 memory cards, and related software are able to tabulate rank-choice voting  
2 when necessary; procedures for ensuring that the number of rankings allowed  
3 to voters be uniform across the State for any given contest, that the number of  
4 rankings allowed in any given contest be the maximum number allowed by the  
5 equipment, and that the number of rankings allowed be not fewer than three in  
6 any event; procedures for the release of unofficial preliminary round-by-round  
7 results and unofficial preliminary cast vote records; procedures for requesting  
8 and conducting recounts of the results of presidential primary elections for  
9 major candidates; and procedures for filing returns in accordance with  
10 section 2588 of this title.

11 \* \* \* Appropriation \* \* \*

12 Sec. 11f. APPROPRIATION; UPGRADE OF SECRETARY OF STATE  
13 ELECTION MANAGEMENT SYSTEM AND VOTE  
14 TABULATORS

15 The sum of \$2,000,000.00 is appropriated from the General Fund to the  
16 Office of the Secretary of State in fiscal year 2024 for the purpose of  
17 upgrading the election management system and all vote tabulators and their  
18 memory cards and related software so that they may perform ranked-choice  
19 voting as described in this act.

1        Second: By adding a new section to be Sec. 11g and a accompanying  
2 reader assistance heading to read as follows:

3                                \* \* \* Nonpartisan Blanket Primaries Study and Report \* \* \*

4        Sec. 11g. NONPARTISAN BLANKET PRIMARIES; SECRETARY OF  
5                                STATE; STUDY AND REPORT

6                (a) The Secretary of State, in consultation with the Vermont Municipal  
7                Clerks’ and Treasurers’ Association, shall develop a process for conducting  
8                “top-four” nonpartisan blanket primaries in State elections, in which the top  
9                four candidates advance to the general election without establishing party  
10               nominees, to begin not later than the 2028 election cycle. The Secretary of  
11               State shall determine how best to conduct nonpartisan blanket primaries in all  
12               State elections, including for local offices, school boards, county offices,  
13               members of the General Assembly, statewide offices, U.S. congressional  
14               offices, and the president of the United States.

15               (b) The Secretary of State shall solicit input from a wide range of  
16               stakeholders and shall hold not fewer than two public hearings.

17               (c) On or before January 15, 2024, the Secretary of State shall report to the  
18               House Committee on Government Operations and Military Affairs and the  
19               Senate Committee on Government Operations with the Secretary’s findings  
20               and any recommendations for legislative action.

1        Third: By adding a new section to be Sec. 11h and a accompanying reader  
2 assistance heading to read as follows:

3                                \* \* \* Reapportionment Process Study and Report \* \* \*

4        Sec. 11h. REAPPORTIONMENT; LEGISLATIVE APPORTIONMENT  
5                                BOARD; STUDY AND REPORT

6        (a) Reapportionment process study. The Legislative Apportionment Board  
7 shall explore opportunities to make Vermont’s redistricting process less  
8 partisan than prior redistricting efforts and yield redistricting plans that better  
9 reflect the principle of “one person – one vote.” In its study, the Board shall  
10 consider the following:

11                                (1) redistricting processes in states where the legislature does not  
12 participate in redistricting;

13                                (2) those states’ 2021–2022 redistricting results and whether there have  
14 been any court challenges; and

15                                (3) how best to revise Vermont’s reapportionment process so that:

16                                        (A) no elected persons or partisans are involved; and

17                                        (B) incumbency is not considered.

18        (b) Public engagement. The Board shall solicit input from a wide range of  
19 stakeholders and hold not fewer than two public hearings.

1        (c) Assistance. The Board shall have the administrative, technical, and  
2        legal assistance of the Office of the Secretary of State for the purpose of the  
3        reapportionment process study.

4        (d) Report. On or before January 15, 2024, the Board shall submit a  
5        written report to the House Committee on Government Operations and  
6        Military Affairs and Senate Committee on Government Operations with its  
7        findings and recommendations for enacting a redistricting process, prior to the  
8        2030 Census, that would be less partisan than prior redistricting efforts and  
9        generate legislative districts that better adhere to the principle of “one person –  
10       one vote.”

11       (e) Meetings. The Chair of the Board shall call the first meeting for the  
12       reapportionment process study to occur on or before July 15, 2023.

13       (f) Compensation and reimbursement. Members of the Board shall be  
14       entitled to per diem compensation and reimbursement of expenses as allowed  
15       under 17 V.S.A. § 1904(d) for not more than 10 meetings. Payments  
16       authorized under this subsection shall be made from monies appropriated to the  
17       Secretary of State’s office.

18       Fourth: By striking out Sec. 12, effective date, in its entirety and inserting  
19       in lieu thereof a new Sec. 12 to read as follows:

1       Sec. 12. EFFECTIVE DATES

2               This act shall take effect on passage, except Secs. 11a–11b which shall take  
3               effect on January 1, 2024.