

1 Introduced by Committee on Government Operations and Military Affairs

2 Date:

3 Subject: Elections; miscellaneous changes

4 Statement of purpose of bill as introduced: This bill proposes to prohibit
5 losing primary candidates from running in the general election, update the
6 independent candidate filing deadline, permit political parties to accept
7 unlimited contributions from candidates, require the reporting of town and
8 county committee members after the biennial reorganization of the State
9 committee of a party, enable electronic ballot returns to be made via online
10 portal, permit candidates to file demographic information, and to require
11 registration for write-in candidates.

12 An act relating to miscellaneous changes to election laws

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

14 * * * Sore Loser Law * * *

15 Sec. 1. 17 V.S.A. § 2381(c) is added to read:

16 (c) In no event shall a candidate who loses a major party primary be
17 nominated to appear on the general election ballot pursuant to this subchapter
18 by a committee of any party other than the party for which the candidate
19 appeared on the primary ballot.

1 Sec. 2. 17 V.S.A. § 2401 is amended to read:

2 § 2401. APPLICABILITY OF SUBCHAPTER

3 (a) A person may be nominated and have ~~his or her~~ the person's name
4 printed on the general election ballot for any office by filing a consent similar
5 in form to the consent prescribed by section 2361 of this title and a statement
6 of nomination with the Secretary of State. In the case of a nomination for
7 justice of the peace, the consent form and statement of nomination shall be
8 filed with the town clerk.

9 (b) A candidate who loses a major party primary for any office shall not
10 appear on the general election ballot as an independent candidate for the same
11 office for which the candidate lost in the primary election.

12 * * * Independent Candidate Filing Deadline * * *

13 Sec. 3. 17 V.S.A. § 2402(d) is amended to read:

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

16 * * *

17 (C) in the case of any other independent candidate, not earlier than
18 the fourth Monday in April and not later than 5:00 p.m. on the fourth Thursday
19 after the first Monday in May preceding the primary election prescribed by
20 section 2351 of this chapter, and not later than 5:00 p.m. of the ~~third~~ 62nd day
21 prior to the day of a special primary election.

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* * * Campaign Finance Limits for Statewide Candidates * * *

Sec. 4. 17 V.S.A. § 2941(a) is amended to read:

(a) In any election cycle:

* * *

(5)~~(A)~~ A political party shall not accept contributions totaling more than:

- ~~(A)~~(i) \$10,000.00 from a single source;
- ~~(B)~~(ii) \$10,000.00 from a political committee; or
- ~~(C)~~(iii) \$60,000.00 from a political party.

(B) A political party may accept unlimited contributions from a candidate.

* * *

* * * Biennial Committee Reorganization Reporting * * *

Sec. 5. 17 V.S.A. § 2313 is amended to read:

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

* * *

(f) At the same time of filing the certificate of organization, the chair and secretary shall file with the Secretary of State a single machine-readable electronic document containing a list of the names and addresses of the town

1 and county committee members from those towns and counties that have
2 organized pursuant to this chapter.

3 (g) A committee is not considered organized until the material required by
4 this section has been filed and accepted.

5 * * * Candidate Parties Printed on Ballots * * *

6 Sec. 6. 17 V.S.A. § 2474 is amended to read:

7 § 2474. CHOICE OF PARTY

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

15 ~~(2) If the nominee does not notify the Secretary of State or the town~~
16 ~~clerk of his or her choice of party a candidate is nominated by more than one~~
17 ~~party, the Secretary of State shall print on the ballot those parties next to the~~
18 ~~nominee's candidate's name by listing in this order:~~

19 ~~(A)(1) the major political party for which the nominee had his or her~~
20 ~~name printed on the ballot in the primary;~~

1 ~~(B)~~(2) any major political parties for which the nominee received
2 write-in votes, in an order from highest to lowest vote counts;

3 (3) any major political parties that nominated the nominee by the
4 party committee, in the order in which the nominations were submitted to the
5 Secretary of State; and

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

8 ~~(D)~~(4) any minor political parties that nominated the nominee by
9 party committee, in the order in which the nominations were submitted to the
10 Secretary of State.

11 (b)(~~1~~) A candidate for State office who is the nominee of two or more
12 political parties shall file with the Secretary of State, not later than 5:00 p.m.
13 the ~~tenth~~ 10th day following the primary election, a statement designating for
14 which party the votes cast for ~~him or her~~ the candidate shall be counted for the
15 purposes of determining whether ~~his or her~~ the candidate's designated party
16 shall be a major political party. ~~The party so designated shall be the first party~~
17 to be printed immediately after the candidate's name on the ballot.

18 (2) If a candidate does not file the statement by that deadline, the
19 Secretary of State shall designate the party for which the votes cast shall be
20 counted as provided in subdivision (a)(2) of this section.

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* * * Candidate Demographic Information * * *

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2 Sec. 7. 17 V.S.A. § 2359 is amended to read:

3 § 2359. NOTIFICATION TO SECRETARY OF STATE

4 Within three days after the last day for filing petitions, all town and county
5 clerks who have received petitions shall ~~notify~~ file with the Secretary of State
6 ~~of the names of all candidates,~~ a list containing the name, gender, age, race or
7 ethnicity, mailing address, and e-mail address of all candidates, to the extent
8 this information is provided by candidates; the offices for which ~~they~~ the
9 candidates have filed; and whether each candidate has submitted a sufficient
10 number of valid signatures to comply with the requirements of section 2355 of
11 this title. Town and county clerks shall also notify the Secretary of State of
12 any petitions found not to conform to the requirements of this chapter and
13 returned to a candidate under section 2358 of this title; and shall notify the
14 Secretary of State of the status of such ~~petition~~ petitions not later than two days
15 after the last day for filing supplementary petitions.

16 Sec. 8. 17 V.S.A. § 2361(b) is amended to read:

17 (b)(1) The consent shall set forth the ~~name of the candidate,~~ candidate's
18 name as the candidate wishes to have it printed on the ballot, the candidate's
19 gender, age, race or ethnicity, town of residence, ~~and~~ correct mailing address,
20 and e-mail address. A candidate who does not provide such information may
21 still appear on the ballot if all other requirements are met.

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Sec. 9. 17 V.S.A. § 2665 is amended to read:

§ 2665. NOTIFICATION TO SECRETARY OF STATE

The town clerk shall file with the Secretary of State a list ~~of the names and~~
~~addresses of the selectboard members elected and~~ containing the name, gender,
age, race or ethnicity, street address, and e-mail address, to the extent the
information is provided by the candidate, and the end date of the term of office
of each selectboard member, city councilor, village trustee, and mayor elected.

The town clerk shall not be required to ask the candidate for demographic if it
is not provided on the consent form. The town clerk shall notify the Secretary
of State of any changes in the list as filed.

* * * Write-in Candidate Registration **and Minimum Thresholds in Primary**

Elections * * *

Sec. 10. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

1 (a)(1) In order to have votes listed for a write-in candidate under
2 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second
3 Friday preceding the primary election, a write-in candidate for any State or
4 federal office shall file with the Secretary of State a form consenting to
5 candidacy for office as set forth in subsection 2587(e) of this title. The
6 Secretary of State shall notify the town clerks of any filings made in
7 accordance with this subsection not later than the Friday before the election.

8 (b)(1) A write-in candidate shall not qualify as a primary winner unless he
9 or she the candidate:

10 (A) has complied with subsection (a) of this section; and

11 (B) receives at least the higher of:

12 (i) 10 percent of the votes cast by a party plus one additional vote;

13 or

14 (ii) one-half the number of votes as the number of signatures

15 required for his or her the candidate's office on a primary petition, except that

16 if a write-in candidate receives more votes than a candidate whose name is

17 printed on the ballot, he or she may qualify as a primary winner.

1 (2) If no candidate is determined to be the candidate of a party pursuant
2 to subdivision (1) of this subsection, a candidate shall be nominated by party
3 committee in accordance with subchapter 2 of this chapter.

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

8 Sec. 11. 17 V.S.A. § 2472(b)(6) is added to read:

9 (6) In order to have votes listed for a write-in candidate under
10 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second
11 Friday preceding the general election, a write-in candidate for any State or
12 federal office shall file with the Secretary of State a form consenting to
13 candidacy for office as set forth in subsection 2587(e) of this title. The
14 Secretary of State shall notify the town clerks of any filings made in
15 accordance with this subsection not later than the Friday before the election.

16 * * * Electronic Ballot Returns * * *

17 Sec. 12. 17 V.S.A. § 2542 is amended to read:

18 § 2542. SIGNING CERTIFICATE

19 (a) There shall be printed on the face of the envelope provided for use in
20 returning early voter absentee ballots, or provided in an electronic format if a

1 ballot is electronically delivered pursuant to subsections 2539(b) or (c), a
2 certificate in substantially the following form:

3 “Early or Absentee Voter Ballots of _____“

4 (print your name)

5 I, _____, solemnly swear or affirm that I am a resident of the town
6 (city) of _____, State of Vermont, and that I am a legal voter in this town
7 (city).

8 _____

9 (your signature)

10 (b) The early or absentee voter, ~~except a voter receiving a ballot~~
11 electronically delivered pursuant to subsections 2539(b) or (c) of this title,
12 must sign the certificate on the outside of the envelope in order for the ballot to
13 be valid. When an early or absentee voter is physically unable to sign ~~his or~~
14 ~~her~~ the voter’s name, ~~he or she~~ the voter may mark an “X” or take an oath
15 swearing or affirming to the statement on the certificate. The officers who
16 deliver the ballots shall witness the mark or oath and sign their names with a
17 statement attesting to this fact on the envelope.

18 Sec. 13. 17 V.S.A. § 2543 is amended to read:

19 § 2543. RETURN OF BALLOTS

20 * * *

21 (d)(1) All early voter absentee ballots returned as follows shall be counted:

1 (A) by any means, to the town clerk’s office before the close of
2 business on the day preceding the election;

3 (B) to any secure ballot drop box provided by the town or city in
4 which the voter is registered pursuant to section 2543a of this subchapter
5 before the close of business on the day before the election;

6 (C) by mail to the town clerk’s office before the close of the polls on
7 the day of the election; and

8 (D) by hand delivery to the presiding officer at the voter’s polling
9 place before the closing of the polls at 7:00 p.m.

10 (2)(A) All ballots electronically delivered pursuant to subsections
11 2539(b) or (c) of this title and returned as follows shall be counted:

12 (i) by means of a secure online portal developed and maintained
13 by the Secretary of State, and directly to the clerk before the close of business
14 on the day preceding the election; and

15 (ii) with electronic signature on the certificate required pursuant to
16 section 2542 of this title prior to submitting the ballot to the clerk.

17 (B) A ballot electronically delivered pursuant to subsections 2539(b)
18 or (c) of this title and then returned pursuant to subdivision (2)(A) of this
19 subdivision shall be printed by the clerk and processed in the same manner as
20 all other early or absentee ballots and in accordance with the procedures
21 prescribed by this subchapter.

1 (C) The voter shall be notified when a ballot electronically delivered
2 pursuant to subsections 2539(b) or (c) of this title and then returned pursuant to
3 subdivision (2)(A) of this subdivision is received and printed by the clerk
4 pursuant to subdivision (2)(B) of this subdivision.

5 ~~(2)~~(3) An early voter absentee ballot returned in a manner other than
6 those set forth in ~~subdivision~~ subdivisions (1) or (2)(A) of this subsection shall
7 not be counted.

8 * * *

9 Sec. 14. 17 V.S.A. § 2587(e) is amended to read:

10 * * *

11 (2)(A) A vote for a write-in candidate shall be counted as a write-in vote
12 that is without consent of candidate unless the write-in candidate filed a
13 consent of candidate form with the Secretary of State in accordance with
14 section 2370 of this title in the primary election, subsection 2472(b) of this title
15 for the general election, and subsection § 2702(f) of this title for the
16 presidential primary. The consent form shall set forth the name of the
17 candidate, the name of the office for which the candidate consents to be a
18 candidate, the candidate's town of residence, and the candidate's correct
19 mailing address. The clerk shall record the name and vote totals of a write-in
20 candidate who has filed in accordance with section 2370 of this title in the

1 primary election, subsection 2472(b) of this title for the general election, and
2 subsection § 2702(f) of this title for the presidential primary.

3 (B) The Secretary of State shall prepare and furnish forms for
4 candidate consent purposes.

5 (3) The election officials counting ballots and tallying results shall only
6 list every person who receives a “write-in” vote and the number of votes
7 received the names and votes received of those write-in candidates who
8 consented to candidacy for the office pursuant to section 2370 of this title in
9 the primary election, subsection 2472(b) of this title for the general election,
10 and subsection § 2702(f) of this title for the presidential primary. Any write-in
11 votes for candidates who have not consented to the write-in candidacy shall be
12 listed as “write-ins.”

13 * * *

14 Sec. 15. 17 V.S.A. § 2682a is amended to read:

15 § 2682a. WRITE-IN CANDIDATES

16 (a) In order to have votes recorded for a write-in candidate under section
17 2587 of this title, not later than the closing of the polls on the day of the
18 election, a write-in candidate for any office shall file with the presiding officer
19 a written request to have the candidate’s votes recorded.

20 (b)(1) A write-in candidate shall not qualify as a winner unless the
21 candidate has complied with subsection (a) of this section.

1 (2) Notwithstanding the provisions of section 2682 of this subchapter, in
2 order to be elected, a write-in candidate shall receive at least 30 votes or the
3 votes of one percent of the registered voters in the municipality, whichever is
4 less.

5 Sec. **16**. 17 V.S.A. § 2702(f) is added to read:

6 (f) In order to have votes counted for a write-in candidate under section
7 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
8 presidential primary election, a write-in candidate for nomination by any major
9 political party shall file with the Secretary of State a form consenting to
10 candidacy for office as set forth in subsection 2361(b) of this title. The
11 Secretary of State shall notify the town clerks of any filings made in
12 accordance with this subsection not later than the Friday before the election.

13 * * * Effective Date * * *

14 Sec. **17**. EFFECTIVE DATE

15 This act shall take effect on July 1, 2023.

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