

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Government Operations and Military Affairs to which
3 was referred House Bill No. 97 entitled “An act relating to the number of votes
4 required for a write-in candidate to win a primary election” respectfully reports
5 that it has considered the same and recommends that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 * * * Sore Loser Law * * *

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

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

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

15 § 2401. APPLICABILITY OF SUBCHAPTER

16 (a) A person may be nominated and have ~~his or her~~ the person’s name
17 printed on the general election ballot for any office by filing a consent similar
18 in form to the consent prescribed by section 2361 of this title and a statement
19 of nomination with the Secretary of State. In the case of a nomination for
20 justice of the peace, the consent form and statement of nomination shall be
21 filed with the town clerk.

1 following the primary election, the party or parties in which the nominee will
2 be a candidate. The nominee shall notify in writing the Secretary of State or
3 town clerk, as the case may be, of such choice by that deadline, and only the
4 party or parties that the nominee so elects shall be printed next to the
5 nominee's name on the ballot.

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

10 (A)(1) the major political party for which the nominee had his or her
11 the nominee's name printed on the ballot in the primary;

12 (B)(2) any major political parties for which the nominee won the
13 nomination by write-in vote;

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

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

19 (D)(4) any minor political parties that nominated the nominee by
20 party committee, in the order in which the nominations were submitted to the
21 Secretary of State.

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

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

11
12 * * * Candidate Demographic Information * * *

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

14 § 2359. NOTIFICATION TO SECRETARY OF STATE

15 Within three days after the last day for filing petitions, all town and county
16 clerks who have received petitions shall ~~notify~~ file with the Secretary of State
17 ~~of the names of all candidates, a list containing the name, gender, age, race or~~
18 ~~ethnicity, mailing address, and e-mail address of all candidates, to the extent~~
19 ~~this information is provided by candidates; the offices for which they the~~
20 ~~candidates have filed;~~; and whether each candidate has submitted a sufficient
21 number of valid signatures to comply with the requirements of section 2355 of

1 this title. Town and county clerks shall also notify the Secretary of State of
2 any petitions found not to conform to the requirements of this chapter and
3 returned to a candidate under section 2358 of this title; and shall notify the
4 Secretary of State of the status of such ~~petition~~ petitions not later than two days
5 after the last day for filing supplementary petitions.

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

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

12 * * *

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

14 § 2665. NOTIFICATION TO SECRETARY OF STATE

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

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

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

4 (B) receives at least the higher of:

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

6 or

7 (ii) one-half the same number of votes as the number of signatures
8 required for his or her the candidate's office on a primary petition, except that
9 if a write-in candidate receives more votes than a candidate whose name is
10 printed on the ballot, he or she may qualify as a primary winner.

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

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

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

19 (6) In order to have votes listed for a write-in candidate under
20 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second
21 Friday preceding the general election, a write-in candidate for any State or

1 federal office shall file with the Secretary of State a form consenting to
2 candidacy for office as set forth in subsection 2587(e) of this title. The
3 Secretary of State shall notify the town clerks of any filings made in
4 accordance with this subsection not later than the Friday before the election.

5 Sec. 12. 17 V.S.A. § 2587(e) is amended to read:

6 * * *

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

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

1 Sec. 14. 17 V.S.A. § 2702(f) is added to read:

2 (f) In order to have votes counted for a write-in candidate under section
3 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
4 presidential primary election, a write-in candidate for nomination by any major
5 political party shall file with the Secretary of State a form consenting to
6 candidacy for office as set forth in subsection 2361(b) of this title. The
7 Secretary of State shall notify the town clerks of any filings made in
8 accordance with this subsection not later than the Friday before the election.

9 * * * Electronic Ballot Returns * * *

10 Sec. 15. 17 V.S.A. § 2542 is amended to read:

11 § 2542. SIGNING CERTIFICATE

12 (a) There shall be printed on the face of the envelope provided for use in
13 returning early voter absentee ballots, or provided in an electronic format if a
14 ballot is electronically delivered pursuant to subsections 2539(b) or (c), a
15 certificate in substantially the following form:

16 “Early or Absentee Voter Ballots of _____ “

17 (print your name)

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

21 _____

1 (your signature)

2 (b) The early or absentee voter, except a voter receiving a ballot
3 electronically delivered pursuant to subsections 2539(b) or (c) of this title,
4 must sign the certificate on the outside of the envelope in order for the ballot to
5 be valid. When an early or absentee voter is physically unable to sign ~~his or~~
6 ~~her~~ the voter's name, ~~he or she~~ the voter may mark an "X" or take an oath
7 swearing or affirming to the statement on the certificate. The officers who
8 deliver the ballots shall witness the mark or oath and sign their names with a
9 statement attesting to this fact on the envelope.

10 Sec. 16. 17 V.S.A. § 2543 is amended to read:

11 § 2543. RETURN OF BALLOTS

12 * * *

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

14 (A) by any means, to the town clerk's office before the close of
15 business on the day preceding the election;

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

19 (C) by mail to the town clerk's office before the close of the polls on
20 the day of the election; and

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

3 (2)(A) All ballots electronically delivered pursuant to subsections
4 2539(b) or (c) of this title and returned as follows shall be counted:

5 (i) by means of a secure online portal developed and maintained
6 by the Secretary of State, and directly to the clerk before the close of business
7 on the last day the clerk’s office is open prior to the election; and

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

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

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

19 ~~(2)(3)~~ An early voter absentee ballot returned in a manner other than
20 those set forth in ~~subdivision~~ subdivisions (1) or (2)(A) of this subsection shall
21 not be counted.

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* * *

* * * Effective Date * * *

Sec. 17. EFFECTIVE DATE

This act shall take effect on July 1, 2023.

(Committee vote: _____)

Representative _____

FOR THE COMMITTEE