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TO THE HOUSE OF REPRESENTATIVES:

- The Committee on Government Operations and Military Affairs to which
 was referred House Bill No. 97 entitled "An act relating to the number of votes
 required for a write-in candidate to win a primary election" respectfully reports
 that it has considered the same and recommends that the bill be amended by
 striking out all after the enacting clause and inserting in lieu thereof the
 following:
- 8 * * * Sore Loser Law * * *
- 9 Sec. 1. 17 V.S.A. § 2381(c) is added to read:
- (c) In no event shall a candidate who loses a major party primary be
 nominated to appear on the general election ballot pursuant to this subchapter
 by a committee of any party other than the party for which the candidate
 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	(b) A candidate who loses a major party primary for any office shall not
2	appear on the general election ballot as an independent candidate for the same
3	office for which the candidate lost in the primary election.
4	* * * Independent Candidate Filing Deadline * * *
5	Sec. 3. 17 V.S.A. § 2402(d) is amended to read:
6	(d)(1) A statement of nomination and a completed and signed consent form
7	shall be filed:
8	* * *
9	(C) in the case of any other independent candidate, not earlier than
10	the fourth Monday in April and not later than 5:00 p.m. on the fourth Thursday
11	after the first Monday in May preceding the primary election prescribed by
12	section 2351 of this chapter, and not later than 5:00 p.m. of the third 62nd day
13	prior to the day of a special primary election.
14	* * *
15	* * * Campaign Finance Limits for Statewide Candidates * * *
16	Sec. 4. 17 V.S.A. § 2941(a) is amended to read:
17	(a) In any election cycle:
18	* * *
19	(5)(A) A political party shall not accept contributions totaling more
20	than:
21	(A)(i) \$10,000.00 from a single source;

1	(B)(ii) \$10,000.00 from a political committee; or
2	(C)(iii) \$60,000.00 from a political party.
3	(B) A political party may accept unlimited contributions from a
4	candidate.
5	* * *
6	* * * Biennial Committee Reorganization Reporting * * *
7	Sec. 5. 17 V.S.A. § 2313 is amended to read:
8	§ 2313. FILING OF CERTIFICATE OF ORGANIZATION
9	* * *
10	(f) At the same time of filing the certificate of organization, the chair and
11	secretary shall file with the Secretary of State a single machine-readable
12	electronic document containing a list of the names and addresses of the town
13	and county committee members from those towns and counties that have
14	organized pursuant to this chapter.
15	(g) A committee is not considered organized until the material required by
16	this section has been filed and accepted.
17	* * * Nominee Parties Printed on Ballots * * *
18	Sec. 6. 17 V.S.A. § 2474 is amended to read:
19	§ 2474. CHOICE OF PARTY
20	(a)(1) A person nominated by any means for the same office by more than
21	one political party may elect, not later than 5:00 p.m. on the tenth day

l	tollowing 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 The town clerk shall not be required to ask the candidate for demographic if it 2 is not provided on the consent form. The town clerk shall notify the Secretary 3 of State of any changes in the list as filed. * * * Write-in Candidate Registration and Minimum Thresholds in Primary 4 Elections * * * 5 6 Sec. 10. 17 V.S.A. § 2370 is amended to read: 7 § 2370. WRITE-IN CANDIDATES 8 (a)(1) In order to have votes listed for a write-in candidate under 9 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second 10 Friday preceding the primary election, a write-in candidate for any State or 11 federal office shall file with the Secretary of State a form consenting to 12 candidacy for office as set forth in subsection 2587(e) of this title. The 13 Secretary of State shall notify the town clerks of any filings made in 14 accordance with this subsection not later than the Friday before the election.

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	<u>or</u>
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	(3) The election officials counting ballots and tallying results shall <u>only</u>
2	list every person who receives a "write-in" vote and the number of votes
3	received the names and votes received of those write-in candidates who
4	consented to candidacy for the office pursuant to section 2370 of this title in
5	the primary election, subsection 2472(b) of this title for the general election,
6	and subsection § 2702(f) of this title for the presidential primary. Any write-in
7	votes for candidates who have not consented to the write-in candidacy shall be
8	listed as "write-ins."
9	* * *
10	Sec. 13. 17 V.S.A. § 2682a is amended to read:
11	§ 2682a. WRITE-IN CANDIDATES
12	(a) In order to have votes recorded for a write-in candidate under section
13	2587 of this title, not later than the closing of the polls on the day of the
14	election, a write-in candidate for any office shall file with the presiding officer
15	a written request to have the candidate's votes recorded.
16	(b)(1) A write-in candidate shall not qualify as a winner unless the
17	candidate has complied with subsection (a) of this section.
18	(2) Notwithstanding the provisions of section 2682 of this subchapter, in
19	order to be elected, a write-in candidate shall receive at least 30 votes or the
20	votes of one percent of the registered voters in the municipality, whichever is
21	less.

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

I	(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.

1	* * *
2	* * * Effective Date * * *
3	Sec. 17. EFFECTIVE DATE
4	This act shall take effect on July 1, 2023.
5	
6	
7	
8	
9	
10	
11	
12	(Committee vote:)
13	
14	Representative
15	FOR THE COMMITTEE