

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 (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 shall not accept contributions totaling more than
4 \$100,000 from a 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~~

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) If no candidate is determined to be the candidate of a party pursuant to
2 subsection (A) of this section, a candidate may be nominated by a 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 * * * Electronic Ballot Returns * * *

9 Sec. 11. 17 V.S.A. § 2542 is amended to read:

10 § 2542. SIGNING CERTIFICATE

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

15 “Early or Absentee Voter Ballots of _____ “

16 (print your name)

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

20 _____

21 (your signature)

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

9 Sec. 12. 17 V.S.A. § 2543 is amended to read:

10 § 2543. RETURN OF BALLOTS

11 * * *

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

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

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

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

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

1 Sec. 13. EFFECTIVE DATE

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

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10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE