

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 electronic document containing a list of the names and addresses of the town
2 and county committee members from those towns and counties that have
3 organized pursuant to this chapter.

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

6 * * * Nominee Parties Printed on Ballots * * *

7 Sec. 5. 17 V.S.A. § 2474 is amended to read:

8 § 2474. CHOICE OF PARTY

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

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

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

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

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)(4) 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.~~

1 * * * Candidate Demographic Information * * *

2 Sec. 6. 17 V.S.A. § 2359 is amended to read:

3 § 2359. NOTIFICATION TO SECRETARY OF STATE

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

16 (b) In any listing of candidate information collected pursuant to subsection
17 (a) of this section, the Secretary of State shall not publish information
18 pertaining to candidates' gender, age, race or ethnicity unless in aggregate
19 form.

20 Sec. 7. 17 V.S.A. § 2361(b) is amended to read:

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

7 * * *

8 Sec. 8. 17 V.S.A. § 2665 is amended to read:

9 § 2665. NOTIFICATION TO SECRETARY OF STATE

10 The town clerk shall file with the Secretary of State a list ~~of the names and~~
11 ~~addresses of the selectboard members elected and~~ containing the name, gender,
12 age, race or ethnicity, street address, and e-mail address, to the extent the
13 information is provided by the candidate, and the end date of the term of office
14 of each selectboard member, city councilor, village trustee, and mayor elected.
15 The town clerk shall not be required to ask the candidate for information
16 pertaining to gender, age, or race or ethnicity if this information is not provided
17 to the town clerk. The town clerk shall notify the Secretary of State of any
18 changes in the list as filed.

19 * * * Write-In Candidate Minimum Thresholds in Primary Elections * * *

20 Sec. 9. 17 V.S.A. § 2370 is amended to read:

21 § 2370. WRITE-IN CANDIDATES

1 (a) A write-in candidate shall not qualify as a primary winner unless ~~he or~~
2 ~~she~~ the candidate receives ~~at least one-half~~ the higher of:

3 (1) 10 percent of the votes cast by a party plus one additional vote; or

4 (2) the same number of votes as the number of signatures required for
5 ~~his or her~~ the candidate's office on a primary petition, except that if a write-in
6 candidate receives more votes than a candidate whose name is printed on the
7 ballot, ~~he or she may~~ the candidate shall qualify as a primary winner.

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

12 * * * Electronic Ballot Returns * * *

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

14 § 2542. SIGNING CERTIFICATE

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

19 "Early or Absentee Voter Ballots of _____"

20 (print your name)

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

4 _____

5 (your signature)

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

14 Sec. 11. 17 V.S.A. § 2543 is amended to read:

15 § 2543. RETURN OF BALLOTS

16 * * *

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

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

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

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

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

8 (2)(A) All ballots electronically delivered pursuant to subsection
9 2539(b) or (c) of this title and returned as follows shall be counted:

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

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

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

20 (C) The voter shall be notified when a ballot electronically delivered
21 pursuant to subsection 2539(b) or (c) of this title and then returned pursuant to

1 subdivision (A) of this subdivision (d)(2) is received and printed by the clerk
2 pursuant to subdivision (B) of this subdivision (d)(2).

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

5 * * *

6 * * * Effective Date * * *

7 Sec. 12. EFFECTIVE DATE

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

9

10 (Committee vote: _____)

11

12

Representative _____

13

FOR THE COMMITTEE