

S.137

Introduced by Senator Perchlik

Referred to Committee on

Date:

Subject: Elections; conduct of elections; ballots; “None of these candidates”
voting option

Statement of purpose of bill as introduced: This bill proposes to require that
primary and general election ballots provide an option for a voter to choose
“None of these candidates.” If a voter chooses that option in lieu of voting for
any candidate, the vote shall not be counted as a blank vote and instead shall
be specifically counted as a vote for “None of these candidates” and have the
same significance as a vote for a candidate.

An act relating to an option to vote “None of these candidates” on primary
and general election ballots

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

Sec. 1. PURPOSE AND INTENT

(a) Purpose. This act provides an option for voters to choose “None of
these candidates” on primary and general election ballots and establishes that a
vote for “None of these candidates” is specifically counted as a vote for none
of the listed candidates and not as a blank vote.

1 (b) Intent. After the option to choose “None of these candidates” is enacted
2 into law, the General Assembly intends to amend Rule 10(c) of the Joint Rules
3 of the Senate and House of Representatives so that a vote for “None of these
4 candidates” on a general election ballot is specifically counted as such and not
5 as a blank vote when determining whether a candidate for Governor,
6 Lieutenant Governor, or Treasurer received a major part of the votes in
7 accordance with Chapter II, § 47 of the Vermont Constitution.

8 Sec. 2. 17 V.S.A. § 2362 is amended to read:

9 § 2362. PRIMARY BALLOTS

10 (a) A separate ballot for each major political party shall be printed and
11 furnished to the towns by the Secretary of State and shall contain the names of
12 all candidates for nomination by that party at the primary. Ballots shall be
13 printed on index stock and configured to be readable by vote tabulators.
14 Ballots shall be printed in substantially the following form:

15 OFFICIAL VERMONT PRIMARY ELECTION BALLOT

16 VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT

17 BOX OR VOTE TABULATOR

18 ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED

19 BALLOT BOX

20 _____

1 [MAJOR POLITICAL PARTY NAME]

2

3 Instructions to voters: Use black pen or pencil to fill in the oval. To
4 vote for a person whose name is printed on the ballot, fill in the oval to the
5 right of the name of that person. To vote for a person whose name is not
6 printed on the ballot, write or stick ~~his or her~~ the person's name in the blank
7 space provided and fill in the oval to the right of the write-in space. Do not
8 vote for more candidates than the "Vote for Not More Than" number for an
9 office. You may also choose "None of these candidates" if you do not want to
10 vote for any candidate. If you make a mistake, tear, or deface the ballot, return
11 it to an election official and obtain another ballot. Do not erase.

12 (b)(1) Following the names of candidates printed on the ballot after the
13 name of each office to be filled shall be:

14 (A) an option for a voter to choose "None of these candidates"; and

15 (B) as many blank lines for write-in candidates as there are persons to
16 be elected to that office.

17 (2) If no primary petition is filed for an office or for a candidate
18 belonging to a party, the ballot shall contain the name of the office and blank
19 lines for write-in candidates.

1 Sec. 3. 17 V.S.A. § 2472 is amended to read:

2 § 2472. CONTENTS

3 (a)(1) The ballot shall be titled “OFFICIAL VERMONT GENERAL
4 ELECTION BALLOT,” followed by the date of the election. Immediately
5 below, the following instructions shall be printed: “Instruction to Voters: To
6 vote for a candidate whose name is printed on the ballot, fill in the oval at the
7 right of that person’s name and party designation. To vote for a candidate
8 whose name is not printed on the ballot, write the person’s name on the blank
9 line in the appropriate block and fill in the oval to the right of that blank line.
10 When there are two or more candidates to be elected to one office, you may
11 vote for any number of candidates up to and including the maximum number.”
12 You may also fill in the oval to the right of “None of these candidates” if you
13 do not want to vote for any candidate.”

14 (2) The name of the town or towns and legislative district in which the
15 ballot is to be used shall be listed in the upper left hand corner.

16 (b)(1) Each office to be voted upon shall be separately indicated and
17 preceded by the word “For,” as: “For United States Senator.” Beneath the
18 office to be voted upon shall appear the instructions: “Vote for not more than
19 (the number of candidates to be elected).”

20 (2)(A) The names of the candidates for each office shall be listed in
21 alphabetical order by surname, followed by the candidate’s town of residence,

1 and the party or parties by which the candidate has been nominated, or in the
2 case of independent candidates who have not chosen some other name or
3 identification, by the word "Independent."

4 (B) The word "party" shall not be printed on the ballot following a
5 candidate's party name.

6 * * *

7 (c) Following the names of candidates for each office, there shall be ~~as:~~

8 (1) An option for a voter to choose "None of these candidates" and an
9 oval to the right of that option that is identical to the ovals that follow the
10 candidates' names.

11 (2) As many blank write-in lines as there are persons to be elected to
12 that office. To the right of each such line shall be the words "Write-In" and an
13 oval identical to the ovals that follow the candidates' names. Lines provided
14 for writing in names for President and Vice President shall be separately
15 designated by the words "President" and "Vice President."

16 * * *

17 Sec. 4. 17 V.S.A. § 2587 is amended to read:

18 § 2587. RULES FOR COUNTING VOTES

19 * * *

20 (b) If the voter marks more names than there are persons to be elected to an
21 office, marks a name and "None of these candidates," or marks contradictory

1 sides on any public question, overvotes equal to the number of candidates to be
2 elected to the office ~~must~~ shall be recorded on the tally sheet for that office or
3 question.

4 (c)(1) A write-in vote for a candidate whose name is preprinted on the
5 ballot shall be counted as a vote for that candidate.

6 * * *

7 (3) A vote for “None of these candidates” shall be counted as a vote for
8 none of the listed candidates, have the same significance as a vote for a
9 candidate, and be recorded on the tally sheet for that office.

10 * * *

11 (f) When the same number of persons are nominated for the position of
12 justice of the peace as there are positions to be filled, the presiding officer may
13 declare the whole slate of candidates elected without making individual tallies,
14 ~~providing~~ provided that each person on the slate has more votes than the
15 largest number of write-in votes for any one candidate.

16 Sec. 5. EFFECTIVE DATE

17 This act shall take effect on July 1, 2025.