

1 S.298

2 Introduced by Senators Ram Hinsdale, White, Baruth, Bongartz, Brock,
3 Chittenden, Clarkson, Cummings, Gulick, Hardy, Hashim,
4 Lyons, Major, Perchlik, Plunkett, Vyhovsky, Watson and
5 Westman

6 Referred to Committee on Government Operations

7 Date: January 23, 2026

8 Subject: Elections; voting rights; conduct of elections; language assistance;
9 election interference; periodic reapportionment; counting of offenders

10 Statement of purpose of bill as introduced: This bill will explicitly prohibit
11 discrimination based on race or color or membership in a language minority
12 group. It will prohibit local racial gerrymandering. This bill proposes to
13 create language assistance in voting and elections and voting assistance
14 methods for individuals above 65 years of age and individuals with disabilities.
15 It prohibits municipal electoral changes within 60 days preceding a general
16 election and creates a pre-clearance system where municipalities must first
17 seek authorization from the Attorney General's office for changes to electoral
18 districts or systems. This bill prohibits at-large districts where these would
19 impair the ability of members of a protected class to elect candidates of its
20 choice or its ability to influence the outcome of an election. It creates the
21 Voter Education and Outreach Fund. This bill criminalizes the intimidation of

1 voters, the communication of false information to registered voters, and
2 interference with voting. It also proposes to count certain offenders by their
3 residential address prior to incarceration for the purpose of periodic
4 reapportionment of districts for the General Assembly.

5 An act relating to creating the Vermont Voting Rights Act

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

7 ~~*** Vermont Voting Rights Act ***~~

8 Sec. 1. 17 V.S.A. chapter 59 is added to read:

9 CHAPTER 59. VERMONT VOTING RIGHTS ACT

10 Subchapter 1. Definitions; Rights of Voters

11 § 2801. DEFINITIONS

12 As used in this chapter:

13 (1) “Certification of No Objection” means a certification issued by the
14 Attorney General stating that there is no objection to the enactment or
15 administration of a covered practice by a municipality because the covered
16 practice neither has the purpose or effect of denying or abridging the right to
17 vote based on race or color or membership in a language minority group nor
18 will result in the retrogression in the position of members of a racial or ethnic
19 group with respect to their effective exercise of the electoral franchise.

1 (2) “Covered practice” means:

2 (A) any change to the method of election of members of a governing
3 body of an elected school board by adding seats elected at large or by
4 converting one or more seats elected from a single-member district to one or
5 more at-large seats or seats from a multimember district;

6 (B) any change, or series of changes within a 12-month period, to the
7 boundaries of the municipality that reduces by more than five percentage
8 points the proportion of the municipality’s voting age population that is
9 composed of members of a single racial or language minority group, as
10 determined by the most recent U.S. Census Bureau’s American Community
11 Survey data;

12 (C) any change to the boundaries of election districts or wards in the
13 municipality, including changes made pursuant to a decennial redistricting
14 measure;

15 (D) any change that restricts the ability of any person to provide
16 interpreter services to voters in any language other than English or that limits
17 or impairs the creation or distribution of voting or election materials in any
18 language other than English; or

19 (E) any change that reduces the number of or consolidates or
20 relocates polling places in the municipality, except where permitted by law in
21 the event of an emergency.

1 ~~(3) "Municipality" means a town, city, village, school district, or other~~
2 ~~political subdivision that holds public elections.~~

3 ~~(4) "Protected class" means a group of citizens protected from~~
4 ~~discrimination based on race or color or membership in a language minority~~
5 ~~group.~~

6 ~~(5) "Racially polarized voting" refers to the extent to which the~~
7 ~~candidate preferences of members of a protected class and other voters in the~~
8 ~~jurisdiction have differed in recent elections for the office at issue and other~~
9 ~~offices in which the voters have been presented with a choice between~~
10 ~~candidates who are members of the protected class and candidates who are not~~
11 ~~members of the protected class.~~

12 ~~(6) "Voting age population" means the resident population of persons~~
13 ~~who are 18 years of age or older, as determined by the most recent U.S.~~
14 ~~Census Bureau's American Community Survey data available at the time any~~
15 ~~change to a covered practice is published.~~

16 § 2802. VOTE DENIAL OR DILUTION

17 ~~(a) No voting qualification or prerequisite to voting or standard, practice,~~
18 ~~or procedure shall be imposed or applied by the State or any municipality in a~~
19 ~~manner that results in a denial or abridgement of the right of any citizen of the~~
20 ~~United States to vote based on race or color or membership in a language~~
21 ~~minority group.~~

1 (b) A violation of subsection (a) of this section is established if, on the
2 basis of the totality of circumstances, it is shown that the political processes
3 leading to nomination or election in the State or a municipality are not equally
4 open to participation by members of a protected class in that its members have
5 less opportunity than other members of the electorate to participate in the
6 political processes or to elect representatives of their choice. The extent to
7 which members of a protected class have been elected to office in the State or
8 municipality is one circumstance that may be considered.

9 (c) Nothing in this section shall be construed to establish a right to have
10 members of a protected class elected in numbers equal to their proportion in
11 the population.

12 § 2803. IMPAIRMENT OF VOTING RIGHTS OF REGISTERED VOTERS.

13 Nothing in this chapter shall be construed to deny, impair, or otherwise
14 adversely affect the right to vote of any registered voter.

15 Subchapter 2. Assistance in Voting and Elections

16 § 2811. LANGUAGE ASSISTANCE IN VOTING AND ELECTIONS

17 (a) Determination of languages and municipalities.

18 (1) The Secretary of State shall designate one or more languages, other
19 than English, for which assistance in voting and elections shall be provided in
20 a municipality if the Secretary finds that a significant and substantial need
21 exists.

1 ~~(2) The Secretary of State shall find that such significant and substantial~~
2 ~~need exists if, based on the best available data, including information from the~~
3 ~~U.S. Census Bureau's American Community Survey, more than five percent or~~
4 ~~more than 1,000 of the residents qualified to vote in a municipality speak a~~
5 ~~particular shared language other than English and are limited English~~
6 ~~proficient individuals.~~

7 (3) As used in this section, "limited English proficient individual"
8 means an individual who does not speak English as the individual's primary
9 language and who speaks, reads, or understands the English language less than
10 "very well," in accordance with U.S. Census Bureau data or data of
11 comparable quality collected by a governmental entity.

12 (4) On or before January 15, the Secretary of State shall annually
13 publish on the website of the Office of the Secretary of State a list of each
14 municipality in which assistance in voting and elections in a language other
15 than English shall be provided and each such language in which such
16 assistance shall be provided in each such municipality. The Secretary's
17 determinations under this section shall be effective upon such publication. The
18 Secretary shall distribute to each affected municipality the information
19 contained in such list.

20 ~~(5) Assistance to voters.~~

1 ~~(1) The Secretary, in consultation with each municipality described in~~
2 ~~subdivision (a)(4) of this section, shall provide assistance in voting and~~
3 ~~elections in any language designated pursuant to subdivision (a)(1) of this~~
4 ~~section to voters in that municipality who are limited English proficient~~
5 ~~individuals.~~

6 (2) The Secretary shall provide competent assistance in each designated
7 language. The Secretary shall provide election-related materials both in
8 English and in each designated language, including registration or voting
9 notices, forms, instructions, assistance, ballots, and other information relating
10 to the electoral process, except that, in the case of a language that is oral or
11 unwritten, the Secretary may provide only oral instructions, assistance, or
12 other information relating to the electoral process in that language. All
13 materials provided in a designated language shall be of an equal quality to the
14 corresponding English materials. All provided translations shall convey the
15 intent and essential meaning of the original text or communication and shall
16 not rely solely on any automatic translation service. Whenever available,
17 language assistance shall also include interpretation services.

18 (c) Review process.

19 (1) The Secretary of State shall adopt regulations, in accordance with
20 the provisions of 3 V.S.A. chapter 25, to establish a review process under
21 which the Secretary shall determine, upon receipt of a request submitted under

1 ~~this subsection, whether a significant and substantial need exists in a~~
2 municipality for a language to be designated for the provision of assistance in
3 voting and elections whenever a need has not been found under subsection (a)
4 of this section.

5 (2) The Secretary's review process shall include:

6 (A) an opportunity for any resident qualified to vote, organization
7 whose membership includes or is likely to include residents qualified to vote,
8 or organization whose mission would be frustrated by the Secretary's failure to
9 provide such language assistance to submit a request for the Secretary to
10 consider so designating a language in a municipality;

11 (B) an opportunity for public comment; and

12 (C) that, upon receipt and review of any request, the Secretary may,
13 in accordance with the process for making such determination, so designate
14 any language in a municipality.

15 (d) Right of action. Any resident qualified to vote who is aggrieved by a
16 violation of this section and any organization whose membership includes
17 residents qualified to vote who are aggrieved by such a violation shall be
18 entitled to initiate a cause of action in the Superior Court in the county in
19 which the alleged violation has occurred, except that no determination of the
20 Secretary under this section to designate a municipality or a language for the
21 provision of assistance shall constitute a violation of this section.

~~§ 2812. ASSISTANCE FOR CERTAIN VOTERS; PENALTIES~~

~~(a) Any voter 65 years of age or older or any voter who is physically disabled may request and then shall be handed a printed ballot by an election officer outside the polling place but within 150 feet of the entrance to the polling place. The voter shall mark the printed ballot in the officer's presence but in a secret manner and, obscuring the voter's vote, return the ballot to the officer. The officer shall immediately return to the polling place and shall deposit the ballot in accordance with section 2570 of this title.~~

~~(b)(1) Any qualified voter who requires assistance to vote by reason of physical disability or inability to read or write may, if the voter so requests, be assisted in voting. The voter may designate an officer of election or any other person to assist the voter.~~

~~(2) The election officer or other person so designated shall not enter the booth with the voter unless:~~

~~(A) the voter signs a request stating that the voter requires assistance by reason of physical disability or inability to read or write, and~~

~~(B) the election officer or other person signs a statement that the officer or other person will act in accordance with the requirements of this section.~~

~~(3) The request and statement shall be on a single form furnished by the Secretary of State. If the voter is unable to sign the request, the voter's own~~

1 ~~mark acknowledged by the voter before an election officer shall be a sufficient~~
2 ~~signature, provided no mark shall be required of a voter who is blind. An~~
3 ~~election officer shall advise the voter and any person assisting the voter of the~~
4 ~~requirements of this section and record the name of the voter and the name and~~
5 ~~address of the person assisting the voter.~~

6 (4) ~~The election officer or other person so designated shall assist the~~
7 ~~qualified voter in the preparation of the voter's ballot in accordance with the~~
8 ~~voter's instructions and without soliciting the voter's vote or in any manner~~
9 ~~attempting to influence the voter's vote and shall not in any manner divulge or~~
10 ~~indicate, by signs or otherwise, how the voter voted on any office or question.~~
11 ~~The officer shall immediately deposit the ballot in accordance with section~~
12 ~~2570 of this title.~~

13 (c) ~~If the voter requires assistance in a language other than English and has~~
14 ~~not designated a person to assist the voter, an election officer may assist as an~~
15 ~~interpreter but shall first inquire of the present election officials whether there~~
16 ~~is an election official of a party or candidate of the voter's preference available~~
17 ~~who can interpret for the voter. One representative interpreter for each party~~
18 ~~or candidate, insofar as available, shall be permitted to observe the officer of~~
19 ~~election communicate with the voter. In any municipality designated as a~~
20 ~~covered municipality pursuant to section 2811 of this title, the local board of~~
21 ~~civil authority shall ensure that interpretation services in the language of the~~

1 ~~applicable minority group are available and easily accessible to voters needing~~
2 assistance pursuant to this subsection. The voter may designate one of the
3 volunteer party or candidate interpreters to provide assistance. A person so
4 designated by the voter shall meet all the requirements of this section for a
5 person providing assistance.

6 (d) A person who willfully violates subsection (b) or (c) of this section
7 shall be imprisoned not more than six months or fined not more than
8 \$2,000.00, or both.

9 Subchapter 3. Changes to Election Practices

10 § 2821. CHANGES NOT TO BE EFFECTUATED WITHIN 60 DAYS

11 PRECEDING A GENERAL ELECTION; NOTICE

12 REQUIREMENTS

13 No change in any local election district, ward, or polling place shall take
14 effect within 60 days preceding any general election.

15 § 2822. COVERED PRACTICES; ACTIONS REQUIRED PRIOR TO

16 ENACTMENT OR ADMINISTRATION

17 (a)(1) Prior to enacting or seeking to administer any voting qualification or
18 prerequisite to voting, or any standard, practice, or procedure with respect to
19 voting, that is a covered practice, the governing body shall cause to be
20 published on the official website for the municipality the proposed covered
21 practice and general notice of opportunity for public comment on the proposed

1 ~~covered practice. The governing body shall also publicize the notice through~~
2 press releases and such other media as will best serve the purpose and subject
3 involved. Such notice shall be made at least 45 days in advance of the last
4 date prescribed in the notice for public comment.

5 (2) Public comment shall be accepted for a period of not fewer than 30
6 days. During this period, the governing body shall afford interested persons an
7 opportunity to submit data, views, and arguments in writing by mail, fax, or
8 email, or through an online public comment forum on the official website for
9 the municipality if one has been established. The governing body shall
10 conduct at least one public hearing during this period to receive public
11 comment on the proposed covered practice.

12 (3) The governing body may make changes to the proposed covered
13 practice in response to public comment received. If doing so, the revised
14 covered practice shall be published and public comment shall be accepted in
15 accordance with this subsection, except the public comment period shall be not
16 fewer than 15 days.

17 (b)(1) Following the public comment period or periods prescribed in
18 subsection (a) of this section, the governing body shall publish the final
19 covered practice, which shall include a plain English description of the
20 practice and the text of an ordinance giving effect to the practice, maps of

1 ~~proposed boundary changes, or other relevant materials, and notice that the~~
2 ~~covered practice will take effect in 30 days.~~

3 ~~(2) During the 30-day waiting period described in subdivision (1) of this~~
4 ~~subsection, any individual who will be subject to or affected by the covered~~
5 ~~practice may challenge in the Superior Court of the municipality where the~~
6 ~~covered practice is to be implemented the covered practice as:~~

7 ~~(A) having the purpose or effect of denying or abridging the right to~~
8 ~~vote on the basis of race or color or membership in a language minority group;~~
9 ~~or~~

10 ~~(B) resulting in the retrogression in the position of members of a~~
11 ~~racial or ethnic group with respect to their effective exercise of the electoral~~
12 ~~franchise.~~

13 ~~(3) In an action described in subdivision (2) of this subsection, the court~~
14 ~~may, in its discretion, allow a private plaintiff a reasonable attorney's fee as~~
15 ~~part of the costs, if such plaintiff is the prevailing party.~~

16 ~~(c) The governing body of a municipality seeking to administer or~~
17 ~~implement a covered practice, in lieu of following the provisions of~~
18 ~~subsections (a) and (b) of this section, may submit the proposed covered~~
19 ~~practice to the Office of the Attorney General for issuance of a Certification of~~
20 ~~No Objection. The practice shall not be given effect until the Attorney~~
21 ~~General has issued the certification. A Certification of No Objection shall be~~

1 ~~deemed to have been issued if the Attorney General does not interpose an~~
2 objection within 60 days after the governing body's submission or if, upon
3 good cause shown and to facilitate an expedited approval within 60 days after
4 the governing body's submission, the Attorney General has affirmatively
5 indicated that no such objection will be made. An affirmative indication by
6 the Attorney General that no objection will be made or the absence of an
7 objection to the covered practice by the Attorney General shall not bar a
8 subsequent action to enjoin enforcement of such qualification, prerequisite,
9 standard, practice, or procedure.

10 § 2823. NOTICE REQUIREMENTS

11 (a) In addition to the requirements set forth in section 2822 of this title,
12 notice shall be published prior to enactment in a newspaper having general
13 circulation in the election district or ward once a week for two successive
14 weeks. The published notice shall state where descriptions and maps of
15 proposed boundary and polling place changes may be inspected.

16 (b) Notice of any adopted change in any election district, ward, or polling
17 place shall be mailed to all registered voters whose election district, ward, or
18 polling place is changed at least 15 days prior to the next general, special, or
19 primary election in which the voters will be voting in the changed election
20 district, ward, or polling place.

1 ~~(c) Each municipality shall comply with the applicable requirements of law~~
2 ~~and send copies of enacted changes, including a geographic information~~
3 ~~system (GIS) map showing the new boundaries of the districts or wards, to the~~
4 ~~Secretary of State. Any municipality that does not have GIS capabilities may~~
5 ~~request the Secretary of State to create on its behalf a GIS map showing the~~
6 ~~boundaries of the new districts or wards, and the Secretary of State shall create~~
7 ~~such a map.~~

8 Subchapter 4. At-Large Method of Election

9 § 2831. AT-LARGE METHOD OF ELECTION; LIMITATIONS;

10 VIOLATIONS; REMEDIES

11 (a) An at-large method of election, including one that combines at-large
12 elections with district- or ward-based elections, shall not be imposed or applied
13 by the governing body of any municipality in a manner that impairs the ability
14 of members of a protected class to elect candidates of its choice or its ability to
15 influence the outcome of an election, as a result of the dilution or the
16 abridgement of the rights of voters who are members of a protected class.

17 (b) A violation of subsection (a) of this section is established if it is shown
18 that racially polarized voting occurs in the local election and that, in
19 combination with the method of election, the voting strength of members of a
20 protected class is diluted. A finding of racially polarized voting or a violation
21 of subsection (a) of this section shall not be precluded by the fact that

1 ~~members of a protected class are not geographically compact or concentrated~~
2 in a municipality. Proof of an intent on the part of voters or elected officials to
3 discriminate against members of a protected class shall not be required to
4 prove a violation of subsection (a) of this section.

5 (c) Any voter who is a member of a protected class and who resides in a
6 municipality where a violation of this section is alleged shall be entitled to
7 initiate a cause of action in the Superior Court in the county in which the
8 alleged violation has occurred. In such action, the court may, in its discretion,
9 allow a private plaintiff a reasonable attorney's fee as part of the costs, if such
10 plaintiff is the prevailing party.

11 (d) Upon a finding of a violation of this section, the court shall implement
12 appropriate remedies that are tailored to remedy the violation.

13 Subchapter 5. Voter Education and Outreach Fund

14 § 2841. VOTER EDUCATION AND OUTREACH FUND

15 There is hereby created in the State Treasury a special nonreverting fund to
16 be known as the Voter Education and Outreach Fund, referred to in this section
17 as the Fund. All penalties and charges directed to this Fund by subchapter 7 of
18 this chapter and all other funds from any public or private source directed to
19 the Fund shall be paid into the State Treasury and credited to the Fund.

20 Interest earned on monies in the Fund shall remain in the Fund and be credited
21 to it. Any monies remaining in the Fund, including interest thereon, at the end

1 ~~of each fiscal year shall not revert to the General Fund but shall remain in the~~
2 Fund. Monies in the Fund shall be used solely for the purposes of educating
3 voters and persons qualified to be voters on the rights ensured to them
4 pursuant to Federal and State constitutional and statutory law and remedies.
5 The State Treasurer shall make expenditures and disbursements from the Fund
6 upon written request signed by the Secretary of State or the Secretary's
7 designee.

8 Subchapter 6. Election Interference

9 § 2851. INTIMIDATION OF ELECTION OFFICERS

10 Any person who, by bribery, intimidation, threats, coercion, or other means
11 in violation of the election laws, willfully hinders or prevents, or attempts to
12 hinder or prevent, an election officer at any polling place from holding an
13 election shall be imprisoned not more than two years or fined not more than
14 \$2,000.00, or both.

15 § 2852. INTIMIDATION OF VOTERS; CIVIL CAUSE OF ACTION

16 (a) Any person who intimidates, threatens, or coerces, or attempts to
17 intimidate, threaten, or coerce, any other person in giving the person's vote or
18 ballot or who intimidates, threatens, or coerces, or attempts to intimidate,
19 threaten, or coerce, a voter to deter or prevent the voter from voting shall be
20 imprisoned not more than two years or fined not more than \$2,000.00, or both.

1 ~~(b) In addition to the criminal penalty provided in subsection (a) of this~~
2 ~~section, such actions shall also create a private cause of action. A voter who is~~
3 ~~intimidated, threatened, or coerced by another person in violation of~~
4 ~~subsection (a) of this section shall be entitled to institute an action for~~
5 ~~preventive relief, including an application for a permanent or temporary~~
6 ~~injunction, restraining order, or other order, against such person. The action~~
7 ~~shall be initiated in the Superior Court in the county in which the alleged~~
8 ~~violation has occurred. In any such action, the court may, in its discretion,~~
9 ~~allow a private plaintiff a reasonable attorney's fee as part of the costs, if such~~
10 ~~plaintiff is the prevailing party.~~

11 ~~(c) This section applies to any election and to any method used by a~~
12 ~~political party for selection of its nominees and for selection of delegates to its~~
13 ~~conventions and meetings.~~

14 § 2853. COMMUNICATION OF FALSE INFORMATION TO

15 REGISTERED VOTER

16 ~~(a) It shall be unlawful for any person to communicate to a registered~~
17 ~~voter, by any means, false information, knowing the same to be false, intended~~
18 ~~to impede the voter in the exercise of the voter's right to vote. The provisions~~
19 ~~of this section shall apply to information only about the date, time, and place~~
20 ~~of the election, or the voter's ward, polling place, or voter registration status,~~
21 ~~or how to register to vote.~~

1 ~~(b) Any person who violates the provisions of subsection (a) of this section~~
2 ~~shall be imprisoned not more than six months or fined not more than~~
3 ~~\$1,000.00, or both. A violation may be prosecuted in the Superior Court in~~
4 ~~either the county in which the alleged communication was made or in the~~
5 ~~county in which the communication was received, if different.~~

6 (c) In addition to the criminal penalty provided in subsection (b) of this
7 section, a violation of the provisions of this section shall also create a private
8 cause of action. A registered voter to whom such false information is
9 communicated shall be entitled to institute an action for preventive relief,
10 including an application for a permanent or temporary injunction, restraining
11 order, or other order, against the person communicating such false information.
12 The action shall be initiated in the Superior Court in either the county in which
13 the alleged communication was made or in the county in which the
14 communication was received, if different. In any such action, the court may,
15 in its discretion, allow a private plaintiff a reasonable attorney's fee as part of
16 the costs, if such plaintiff is the prevailing party.

17 § 2854. INTERFERENCE WITH VOTING

18 (a) Any person acting under the color of law who, contrary to an official
19 policy or procedure, fails to permit, or refuses to permit, a qualified voter to
20 vote, or who willfully fails or refuses to tabulate, count, or report the vote of a
21 qualified voter, is subject to a civil penalty in an amount not more than

1 ~~\$1,000.00 for each affected voter. Civil penalties shall be payable to the Voter~~
2 ~~Education and Outreach Fund established pursuant to 2841.~~

3 ~~(b)(1) Any person who furnishes a ballot to a voter who that person knows~~
4 ~~cannot understand the language in which the ballot is printed and misinforms~~
5 ~~the voter as to the content of the ballot with an intent to deceive the voter and~~
6 ~~induce the voter to vote contrary to the voter's desire shall be imprisoned not~~
7 ~~more than six months or fined not more than \$1,000.00, or both.~~

8 ~~(2) Any person who changes a ballot of a voter to prevent the voter~~
9 ~~from voting as the voter desires shall be imprisoned not more than six months~~
10 ~~or fined not more than \$1,000.00, or both.~~

11 ~~(3) This subsection applies to any election and to any method used by a~~
12 ~~political party for selection of its nominees and for selection of delegates to its~~
13 ~~conventions and meetings.~~

14 Subchapter 7. Enforcement

15 § 2861. CIVIL ACTIONS BY ATTORNEY GENERAL

16 ~~(a) Whenever the Attorney General has reasonable cause to believe that a~~
17 ~~violation of this chapter has occurred and that the rights of any voter or group~~
18 ~~of voters have been affected by such violation, the Attorney General may~~
19 ~~initiate a civil action in the Superior Court in the county in which the alleged~~
20 ~~violation has occurred for appropriate relief.~~

21 ~~(b) In such civil action, the court may.~~

1 ~~(1) Award such preventive relief, including a permanent or temporary~~
2 injunction, restraining order, or other order against the person responsible for a
3 violation of this title, as is necessary to ensure the full enjoyment of the rights
4 granted by this title.

5 (2) Assess a civil penalty against the respondent in an amount not more
6 than \$5,000.00 for a first violation and in an amount not more than \$25,000.00
7 for any subsequent violation. Such civil penalties are payable to the Voter
8 Education and Outreach Fund established pursuant to section 2841 of this title.

9 (3) Award a prevailing plaintiff reasonable attorney's fees and costs.

10 (c) The court or jury may award such other relief to the aggrieved person
11 as the court deems appropriate, including compensatory damages and punitive
12 damages.

13 * * * Counting Offenders in Reapportionment of Legislative Districts * * *

14 Sec. 2. 17 V.S.A. § 1913 is added to read:

15 § 1913. COUNTING OF OFFENDERS

16 (a) Department of Corrections determination and sharing of offender
17 residential information.

18 (1) The Department of Corrections shall:

19 (A) for each offender in the Department's custody, determine the
20 offender's residential address prior to incarceration, and

1 ~~(B) maintain an electronic record of offenders' residential addresses~~
2 prior to incarceration that shall determine the offenders' residential addresses
3 prior to incarceration on the date for which the decennial census reports
4 population.

5 (2) On or before May 1 of the year following each decennial census
6 under the authority of Congress and in which the U.S. Census Bureau counts
7 any offender as a resident of the town in which the offender's respective
8 correctional facility is located, the Department of Corrections shall deliver to
9 the Legislative Apportionment Board, in a form as prescribed by the Board,
10 the following information as determined on the date for which the decennial
11 census reports population:

12 (A) a unique identifier for each offender subject to the
13 jurisdiction of the Department of Corrections;

14 (B) the street address of the correctional facility in which each
15 offender was incarcerated;

16 (C) for each offender, an indication of whether the offender:

17 (i) has attained 18 years of age; and

18 (ii) is serving a sentence of life imprisonment without the
19 possibility of release,

1 ~~(D) each offender's in state residential address prior to incarceration~~
2 or an indication that the offender's residential address prior to incarceration
3 was:

4 (i) outside Vermont; or

5 (ii) unknown; and

6 (E) any additional information requested by the Board otherwise
7 permitted by law.

8 (b) Legislative Apportionment Board use of offender address information.

9 (1) For each offender included in a report received under subsection (a)
10 of this section, the Board shall determine the geographic units for which
11 population counts are reported in the decennial census, which units contain the
12 address of the correctional facility in which an offender was incarcerated, and
13 which contain an offender's residential address prior to incarceration.

14 (2) If an offender's residential address prior to incarceration is known
15 and is located within the State, the Board shall ensure that when creating
16 proposals for dividing the State into initial districts for the election of the
17 House of Representatives and the Senate, as described in sections 1905, 1906,
18 and 1907 of this title, the relevant population counts reported in the decennial
19 census are adjusted so that an offender is considered to have been residing at
20 the offender's residential address prior to incarceration and not at the address
21 of the correctional facility where the offender was incarcerated.

1 ~~(3) If an offender's residential address prior to incarceration is unknown~~
2 ~~or not in this State, the Board shall ensure that an offender is not represented in~~
3 ~~any applicable population count reported in the decennial census for the~~
4 ~~geographic units that include the correctional facility in which an offender was~~
5 ~~incarcerated.~~

6 ~~(4) Notwithstanding subdivisions (1)–(3) of this subsection, if an~~
7 ~~offender is serving a sentence of life imprisonment without the possibility of~~
8 ~~release, the Board shall ensure that an offender is represented in the applicable~~
9 ~~population count reported in the decennial census for the geographic units that~~
10 ~~include the correctional facility in which an offender was incarcerated.~~

11 ~~(5) The Board shall prepare and publish such information, both adjusted~~
12 ~~and unadjusted, pursuant to this subsection as part of its tentative proposal, as~~
13 ~~described in sections 1905 and 1907 of this title and any subsequent~~
14 ~~proposals, including the Board's final proposal, as described in section 1906 of~~
15 ~~this title.~~

16 ~~(c) Confidentiality of offender information. Notwithstanding any other~~
17 ~~statute to the contrary, the information required to be provided under this~~
18 ~~section shall not include the name of any offender or in any other way allow~~
19 ~~for the identification of the individual. This information is exempt from public~~
20 ~~inspection and copying under the Public Records Act and shall be kept~~
21 ~~confidential, except to the Board for the purposes of subsection (b) of this~~

1 ~~section or as aggregated by decennial census block for the purposes of~~
2 ~~subdivision (b)(5) of this section.~~

3 ~~(d) Definition. As used in section, "offender" has the same meaning as in~~
4 ~~28 V.S.A. § 3(2).~~

5 * * * Conforming Amendments * * *

6 Sec. 3. REPEALS

7 (a) 17 V.S.A. § 1933 (non-performance of duty by public officer) is
8 repealed.

9 (b) 17 V.S.A. § 2569 (assistance to voter) is repealed.

10 Sec. 4. 17 V.S.A. § 2570 is amended to read:

11 § 2570. DEPOSITING BALLOTS

12 * * *

13 (c) Except as provided in section ~~2569~~ 2812 of this title, no election
14 official or other person shall look at the contents of any ballot.

15 * * * Effective Date * * *

16 Sec. 5. EFFECTIVE DATE

17 ~~This act shall take effect on January 1, 2027.~~

** * * Vermont Voting Rights Act * * **

Sec. 1. SHORT TITLE

This act may be cited as the "Vermont Voting Rights Act of 2026."

Sec. 2. 17 V.S.A. chapter 59 is added to read:

CHAPTER 59. VERMONT VOTING RIGHTS ACT

Subchapter 1. Rights of Voters

§ 2801. DEFINITIONS

As used in this chapter:

(1) "Municipality" means a town, city, village, school district, or other political subdivision that holds public elections.

(2) "Protected class" means a group of citizens protected from discrimination based on race or color or membership in a language minority group.

§ 2802. VOTE DENIAL OR DILUTION

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by the State or any municipality in a manner that results in a denial or abridgement of the right of any citizen of the United States to vote based on race or color or membership in a language minority group.

(b) A violation of subsection (a) of this section is established if, on the basis of the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or a municipality are not equally open to participation by members of a protected class in that its members have less opportunity than other members of the electorate to participate in the political processes or to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or municipality is one circumstance that may be considered.

(c) Nothing in this section shall be construed to establish a right to have members of a protected class elected in numbers equal to their proportion in the population.

§ 2803. IMPAIRMENT OF VOTING RIGHTS OF REGISTERED VOTERS

Nothing in this chapter shall be construed to deny, impair, or otherwise adversely affect the right to vote of any registered voter.

§ 2804. CIVIL ACTIONS BY ATTORNEY GENERAL

(a) Whenever the Attorney General has reasonable cause to believe that a violation of this subchapter has occurred and that the rights of any voter or group of voters have been affected by such violation, the Attorney General may initiate a civil action in the Civil Division of the Superior Court in the county in which the alleged violation has occurred for appropriate relief.

(b) In such civil action, the court may:

(1) award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for

a violation of this title, as is necessary to ensure the full enjoyment of the rights granted by this title;

(2) assess a civil penalty against the respondent of not more than \$5,000.00 for a first violation and of not more than \$25,000.00 for any subsequent violation; and

(3) issue an order requiring reimbursement to the State of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action.

Sec. 3. 17 V.S.A. chapter 35 is amended to read:

CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS

Subchapter 1. Penalties Upon Officers

* * *

§ 1934. INTERFERENCE WITH VOTING

(a) An election officer or a person acting under color of the law shall not intentionally:

(1) refuse to permit or fail to permit a qualified voter to vote;

(2) refuse or fail to tabulate, count, or report the vote of a qualified voter;

(3) change a ballot of a voter to prevent the voter from voting as the voter desires.

(b)(1) A person who violates subdivision (a)(1) or (2) of this section shall be subject to a civil penalty of not more than \$1,000.00 for each affected voter.

(2) A person who violates subdivision (a)(3) or (4) of this section shall be imprisoned not more than six months or fined not more than \$1,000.00, or both, for each affected voter.

(c) This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

* * *

Subchapter 3. Miscellaneous

* * *

§ 2022. INTIMIDATION OF ELECTION OFFICERS

(a) A person shall not intentionally, by bribery, intimidation, threats, coercion, or other means in violation of the election laws, hinder or prevent, or

attempt to hinder or prevent, an election officer at any polling place from holding an election.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

§ 2023. INTIMIDATION OF VOTERS; CIVIL CAUSE OF ACTION

(a) A person shall not intentionally intimidate, threaten, or coerce, or intentionally attempt to intimidate, threaten, or coerce:

(1) any other person in giving the person's vote or ballot; or

(2) a voter to deter or prevent the voter from voting.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than \$2,000.00, or both.

(c) In addition to the criminal penalty provided in subsection (b) of this section, such actions shall also create a private cause of action. A voter who is intimidated, threatened, or coerced by another person in violation of subsection (a) of this section shall be entitled to institute an action for injunctive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against such person. The action shall be initiated in the Civil Division of the Superior Court in the county in which the alleged violation has occurred. A court may, in its discretion, allow a private plaintiff a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing party.

(d) This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

§ 2024. COMMUNICATION OF FALSE INFORMATION TO ELIGIBLE VOTERS

(a) A person shall not intentionally communicate to a registered voter false information, knowing the information to be false, for the purpose of impeding the voter in exercising the voter's right to vote. The provisions of this section shall apply to information only about the date, time, or place of the election; how to register to vote; or a voter's registration status.

(b) Any person who violates the provisions of subsection (a) of this section shall be imprisoned not more than six months or fined not more than \$1,000.00, or both. A violation may be prosecuted in the Superior Court in either the county in which the alleged communication was made or in the county in which the communication was received, if different.

(c) In addition to the criminal penalty provided in subsection (b) of this section, a violation of the provisions of this section shall also create a private cause of action. A registered voter to whom such false information is communicated shall be entitled to institute an action for injunctive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against the person communicating such false information. The action shall be initiated in the Superior Court in either the county in which the alleged communication was made or in the county in which the communication was received, if different. The court may, in its discretion, allow a private plaintiff a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing party.

* * *

* * * Safety Protections for Candidates * * *

Sec. 4. 17 V.S.A. § 2901 is amended to read:

§ 2901. DEFINITIONS

As used in this chapter:

* * *

(7) "Expenditure" means a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates.

(A) Expenditures may include those expenses that are necessary to allow a candidate to campaign, such as expenses for the care of a dependent family member that are incurred as a direct result of campaign activity or for the provision of security for the candidate.

* * *

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.