

House Proposal of Amendment

S. 298

An act relating to creating the Vermont Voting Rights Act

The House proposes to the Senate to amend the bill by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Voter Protections Act * * *

Sec. 1. SHORT TITLE

This act may be cited as the "Voter Protections Act of 2026."

Sec. 2. 17 V.S.A. chapter 35 is amended to read:

CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS

* * *

Subchapter 2. Penalties Upon Voters

* * *

§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

(a) A voter who, except in cases of assistance as provided in this title, allows ~~his or her~~ the voter's ballot to be seen by another person with an apparent intention of letting it be known how ~~he or she~~ the voter is about to vote or makes a false statement to the presiding officer at an election as to ~~his or her~~ the voter's inability to mark ~~his or her~~ the voter's ballot or places a distinguishing mark on ~~his or her~~ the voter's ballot ~~or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate,~~ shall be fined \$1,000.00.

~~(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.~~

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§ 1975. INTERFERENCE WITH VOTERS AND ELECTION OFFICIALS

(a) No person shall intentionally or recklessly intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce:

(1) any other person for the purpose of:

(A) obstructing the right of the other person to vote or to vote as the other person may choose; or

(B) causing the other person to vote for, or not to vote for, any candidate for public office or public question at any election; or

(2) a public servant, an election official, or a public employee for the purpose of obstructing the administration of an election.

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

§ 1976. 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.

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Subchapter 4. Use of Synthetic Media in Elections

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Subchapter 5. Enforcement and Investigation

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Subchapter 6. Voter Protections

§ 2045. 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, membership in a language minority group, or having a disability as defined in 9 V.S.A. § 4501.

(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.

(d) As used in this section:

(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, membership in a language minority group, or having a disability as defined in 9 V.S.A. § 4501.

§ 2046. 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.

* * * Voter Checklists * * *

Sec. 3. 17 V.S.A. § 2154 is amended to read:

§ 2154. STATEWIDE VOTER CHECKLIST

* * *

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must, a municipality's portion of the statewide voter checklist, or any other municipal voter checklist shall swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibited purposes for using the checklist set forth in subdivision (b)(2) of this section.

(2) The In the case of the statewide voter checklist, the affirmation shall be filed with the Secretary of State. In the case of a municipality's portion of the statewide voter checklist or any other municipal voter checklist, the affirmation shall be filed with the municipal clerk.

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* * * Disclosures for Candidates for State, Legislative, and
County Office * * *

Sec. 4. 17 V.S.A. § 2414 is amended to read:

§ 2414. CANDIDATES FOR STATE ~~AND~~, LEGISLATIVE, AND
COUNTY OFFICE; DISCLOSURE FORM

* * *

(f)(1) The State Ethics Commission shall provide informational resources to candidates and answer candidates' questions regarding the requirements of this section, how to accurately complete and submit the disclosure form, and the penalties for failing to properly file the disclosure form pursuant to section 2415 of this title. The Commission shall make available on its web page the disclosure form, preprepared responses to frequently asked questions, and any informational resources and materials that it deems necessary to adequately inform candidates of how to comply with the provisions of this section. Upon contact by a candidate, the Commission shall provide answers to the candidate's questions by email or by phone, whichever the candidate may prefer.

(2) The Office of the Secretary of State shall provide hyperlinks from its web page connecting to the disclosure form and other materials and resources required of the State Ethics Commission pursuant to subdivision (1) of this subsection.

Sec. 5. SUSPENSION OF DISCLOSURE PENALTIES FOR
CANDIDATES FOR STATE, LEGISLATIVE, AND COUNTY
OFFICE

Notwithstanding 17 V.S.A. § 2415, through May 30, 2027, the State Ethics Commission shall not enforce against any delinquent filers, nor shall the Office of the Secretary of State notify the State Ethics Commission of the names of delinquent filers, nor shall the candidates for State office, county office, State Senator, and State Representative be otherwise penalized for delinquently filing a disclosure.

* * * Safety Protections for Candidates * * *

Sec. 6. 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 monitoring systems, protective detail, and cybersecurity related to a candidate's security.

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* * * Effective Date * * *

Sec. 7. EFFECTIVE DATE

This act shall take effect on passage.

and that after passage the title of the bill be amended to read: "An act relating to voter protections"