

## **BILL OVERVIEW** **“Elections Miscellaneous Bill”**

**Purpose:** This bill proposes to:

- Institute ranked-choice voting for the 2028 presidential primary election for each major political party,<sup>1</sup> but sunset the same law on July 1, 2029.
- Have mail-in ballots sent to voters for primary elections in addition to general elections.
- Prohibit candidates from receiving cross-nominations from multiple political parties.
- Enable voters who are ill, injured, or have a disability and overseas voters to return ballots electronically.
- Require candidates to provide additional demographic information.
- Require write-in candidates to file consent of candidacy forms in advance of an election and to increase the minimum thresholds for write-in candidate in primary elections.
- Make various modifications to campaign finance reporting and requirements.
- Require the Secretary of State to perform an audit of all voter checklists for Representative districts and Senatorial districts to ensure that those checklists accurately correspond to the prescribed district boundaries.
- Modify various State and local election procedures.

**PART ONE: Ranked-Choice Voting (“RCV”) for Presidential Primary Elections** (Secs. 1-4)

**Initial Notes:**

- The form or methodology of RCV this bill will implement in presidential primaries is Instant-Runoff Voting (“IRV”).
- The mechanics of IRV are described in some detail in Appendix I.
- The relevant statutes in this part of the bill are located in [Title 17 \(Elections\), Chapter 57 \(Presidential Elections\), Subchapter 1 \(Presidential Primary\)](#).

Sec. 1 redesignates § 2705 (checklist) and § 2706 (provisions applicable), moving them ‘back’ in Chapter 57, Subchapter 1 (presidential primary) to ‘make room’ for new rank-choice voting statutory sections.

Sec. 2 adds and modifies statutory sections to enable the RCV in presidential primary elections. These amendments include:

- creating a new § 2701 for definitions;
- modifying ballot requirements in to-be-renumbered §§ 2702 and 2705 and to explicitly require that a presidential primary election for a major political party be conducted using RCV;

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<sup>1</sup> “A ‘major political party’ is a political party whose candidate for any State office in the most recent general election polled at least five percent of the vote cast for that office.” [17 VSA § 2103\(23\)\(A\)](#).

- the type of RCV methodology to be used in a new § 2706, and permitting the party to award delegates either on a winner-take-all or proportional basis;
- Tabulation of ballots in a new § 2707, with direction on how to award delegates depending on whether the party opts to award delegates either on a winner-take-all or proportional basis;
- Results reporting in § 2708 and information from canvassing committees in § 2709.

Sec. 3 creates a new § 2710 and directs the Office of the Secretary of State to adopt rules to address various aspects of administration and implementation of RCV.

Sec. 4 requires the Secretary of State to ensure that canvassing forms including tally sheets, summary sheets, and returns are all designed to accommodate ranked-choice voting.

**PART TWO: Prospective Repeal of Ranked Choice Voting (Secs. 5-7)**

These sections prospectively repeal (or “sunset”) the very same statutory amendments in Sections 1-4 on July 1, 2029, restoring the law to how it is today.

**PART THREE: Cross-Nominations (Secs. 8-9)**

Cross-nomination or fusion candidacy is the process in which a candidate may run for office while being affiliated with multiple political parties. Sections 8 and 9 together limit a candidate to running only under one party.<sup>2</sup>

Sec. 8 adds a new subdivision (5) to [17 V.S.A. § 2472 \(Contents \[of ballots\]\)](#) stating that “[a] candidate shall list up to one party next to the candidate’s name on the general election ballot . . . .”

Sec. 9 amends [17 V.S.A. § 2474 \(Choice of party \[on ballots\]\)](#) so that a candidate must choose a single nomination among any parties nominating the candidate and inform the Secretary of State of that choice before the printing of ballots for a general election.

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<sup>2</sup> The United States Supreme Court has upheld states’ prohibition of fusion candidacies. [Timmons v. Twin Cities Area New Party](#), 520 U.S. 351, 369–70 (1997) (holding “the burdens Minnesota’s fusion ban imposes on the New Party’s associational rights are justified by “correspondingly weighty” valid state interests in ballot integrity and political stability”).

**PART FOUR: Mail-in Ballots for Primary and General Elections; Electronic Ballot Returns**  
(Secs. 10-13)

Sec. 10 amends 17 V.S.A. § 2537a to expand the mailing of ballots to include regular primary elections.

Secs. 11 through 13 will enable electronic ballot *returns* for votes who have a disability and overseas voters by means of a secure online portal *administered* by the Secretary of State.

- Sec. 11 amends [17 V.S.A. § 2539 \(delivery of early voter absentee ballots\)](#) to add a definition of “overseas voter” based on the definitions of “Overseas voters” and the “United States” Uniformed And Overseas Citizens Absentee Voting Act (UOCAVA) in [52 U.S. Code § 20310 \(Definitions\)](#). It also adds a new subsection (d) to enable voters who participate in the Secretary of State’s Address Confidentiality Program to receive ballots electronically.
- Sec. 12 amends [17 V.S.A. § 2542 \(signing certificate\)](#), enabling the voter affirmation to be available electronically rather than only in print.
- Sec. 13 amends [17 V.S.A. § 2543 \(return of ballots\)](#), specifically adding language enabling electronic ballot *returns* for votes who have a disability and overseas voters by means of a secure online portal administered by the Secretary of State.

**PART FIVE: Candidate Demographic Information** (Sec.14-16)

Secs. 14, 15, and 16 will enable the collection of demographic information *voluntarily* provided by candidates running for local (but not school boards), county, and state offices; specifically, name, gender, age, race, or ethnicity.

- Sec. 14 amends [17 V.S.A. § 2359 \(notification to Secretary of State\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections).
- Sec. 15 amends [17 V.S.A. § 2361 \(consent of candidate\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections).
- Sec. 16 amends [17 V.S.A. § 2665 \(notification to Secretary of State\)](#) in Title 17, Chapter, 55 (Local Elections), Subchapter 2 (Town Meetings And Local Elections In General). Notably, it adds an exemption to the Public Records Act, making this demographic information confidential, except that the Secretary of State may publish this data in aggregate form.

**PART SIX: Write-in Candidate Registration & Minimum Thresholds in Primary Elections**  
(Sec.17-19)

Secs. 17, 18, 19 will together require a write-in candidate for the General Assembly, any county office, any State office, or any federal office to register (by filing a consent of candidacy form) no later than 5:00 p.m. on the second Friday preceding the primary election.

- Sec. 17 amends [17 V.S.A. § 2370 \(write-in candidates\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections) adding a new subsection (a). Of note, Section 17 will also,

in a to-be-designated subsection (b), increase the threshold for a write-in candidate to win a primary election so that a write-in candidate must receive the same number of votes as the number of signatures required for the candidate's office on a primary petition (except if write-in candidate receives more votes than a candidate whose name is printed on the ballot, the write-in candidate wins).

- Sec. 18 amends 17 V.S.A. [§ 2472 \(Contents \[of ballots\]\)](#) adding subdivision (b)(6) to require a write-in candidate to file a consent of candidacy form no later than 5:00 p.m. on the second Friday preceding the primary election in order for that write-in candidate's votes to count. \*Note this is the second place in the bill were § 2472 is amended.
- Sec. 19 amends 17 V.S.A. [§ 2587 \(Rules for counting votes\)](#) subsection (e) regarding how clerks count votes. In brief, if a vote for a write-in candidate in an election for General Assembly, State office, or federal office, that had not registered prior to the election, the vote shall be counted as “a write-in vote that is without consent of candidate.” The election officials counting ballots and tallying results shall only list the names and votes received of registered write-in candidates. Any write-in votes for candidates who have not consented to the write-in candidacy shall be listed as “write-ins.”
- Note: 17 V.S.A. [§ 2702 \(Nominating petition\)](#) is amended in Section 2 (this section is also part of the RCV amendments) to add a new subsection (f) to apply the same write-in registration for presidential elections.

#### **PART SEVEN: Campaign Finance (Secs. 20-23)**

Secs. 20-21 remove various monetary thresholds, so that instead of surpassing a certain dollar amount (e.g. \$500 in expenditures or contributions), *all* candidates are to register with the Secretary of State with the necessary financial information, *regardless* of any monies received or spent.

- Sec. 20 amends [17 V.S.A. § 2921 \(Candidates; registration; checking account; treasurer\)](#).
- Sec. 21 amends [17 V.S.A. § 2964 \(Campaign reports; candidates for state office, the general assembly, and county office; political committees; political parties\)](#).

Sec. 22 amends [17 V.S.A. § 2901 \(Definitions\)](#) by:

- Removing the definition for “independent expenditure-only political committee”;
- Modifying the definition of “Political committee”/“political action committee” to from any two individuals to any *one person* that accepts contributions of \$1,000.00 or more or makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election; and
- creates a definition for the term “Public question campaign.”

Sec. 23 *repeals* [17 V.S.A. § 2970 \(campaign reports; other entities; public questions\)](#). With the modification of the definition of “political committee,” which has its own reporting requirements under [17 V.S.A § 2964](#), §2970 is now superfluous.

**PART EIGHT: Audit of Voter Checklists and District Boundaries** (Secs. 24)

Sec. 24 is session law that requires the Secretary of State, in consultation with town clerks and local boards of civil authority, to perform an audit, on or before November 15, 2025, of all voter checklists for Representative districts and Senatorial districts to ensure that those checklists accurately correspond to the prescribed district boundaries.

**PART NINE: Deadline Modifications & Miscellaneous Clarifications** (Secs. 25-32)

Sec. 25 amends [17 V.S.A. § 1971 \(Casting more than one ballot\)](#) to make explicit that voters may not vote in multiple jurisdictions

Sec. 26 *repeals* [17 V.S.A. § 1973 \(Voting in more than one place\)](#). §1973 is now redundant with §1971.

Sec. 27 amends [17 V.S.A. § 2103 \(Definitions \[general definitions for Title 17\]\)](#) to modify the definition of “campaign” to mean any organized or coordinated activity undertaken by *one* or more persons, instead of two.

Sec. 28 amends [17 V.S.A. § 2358 \(Examining petitions; supplementary petitions\)](#) to allow election officers to return defective petitions (signatures) to a candidate within *two business days* from receipt, instead of 72 hours.

Sec. 29 amends [17 V.S.A. § 2313 \(Filing of certificate of organization \[in ch 45: political parties\]\)](#), requiring party chairs and secretaries to file digital records when filing a certificate of organization.

Sec. 30 amends [17 V.S.A. § 2413 \(Nomination of justices of the peace\)](#) by inserting a deadline of “the third Monday in July before each primary election” for town party members to nominate candidates for justice of the peace.

Sec. 31 amends [17 V.S.A. § 2493 \(For use of vote tabulators; audits\)](#) by removing the requirements that post-election audits of vote tabulators be random.

Sec. 32 amends [17 V.S.A. § 2546 \(Receipt of ballots by clerk; voter status; opportunity to cure; processing absentee ballots \[in ch 51: conduct of elections\]\)](#) to permit town clerks to begin processing mail-in ballots *45 days* before the election day, instead of 30 days.

**PART TEN: Local Elections** (Secs. 33-40)

Open Meeting Law Not Applicable to Annual Meetings:

- Sec. 33 amends [1 V.S.A. § 310 \(Definitions \[Public information\]\)](#).

Cannabis Establishment Vote; Australian Ballot:

- Sec. 34 amends [7 V.S.A. § 863 \(Regulation by local government\)](#).

Annual and Special Municipal Meetings:

- Sec. 35 amends [17 V.S.A. chapter 55, subchapter 2 \(to be renamed Municipal Meetings and Local Elections in General\)](#).
  - o [17 V.S.A. § 2640 \(Annual Meetings\)](#) is amended.
  - o [17 V.S.A. § 2642 \(Warning and notice contents\)](#) is amended.
  - o [17 V.S.A. § 2645 \(Charters; adoption, repeal, or amendment; procedure\)](#) is amended.

- [17 V.S.A. § 2651a \(Constables; appointment; removal; elimination of office\)](#) is amended.
- [17 V.S.A. § 2651d \(Collector of delinquent taxes; appointment; removal\)](#) is amended.
- [17 V.S.A. § 2651e \(Municipal clerk; appointment; removal\)](#) is amended.
- [17 V.S.A. § 2651f \(Municipal treasurer; appointment; removal\)](#) is amended.
- [17 V.S.A. § 2662 \(Validation of municipal meetings\)](#) is amended.

Australian Ballot System:

- [Sec. 36](#) amends [17 V.S.A. chapter 55, subchapter 3 \(Local Elections Using the Australian Ballot System\)](#)
  - [17 V.S.A. § 2680 \(Australian ballot system; general\)](#) is amended.
  - [17 V.S.A. § 2681 \(Nominations; petitions; consents\)](#) is amended.
  - [17 V.S.A. § 2685 \(Conduct of recount\)](#) is amended.

Fire Districts; Voters: [Title 20: Internal Security and Public Safety]

- [Sec. 37](#) amends [20 V.S.A. § 2485 \(Officers generally\)](#).

Vacancies in Town Offices: [Title 24: Municipal and county government]

- [Sec. 38](#). [24 V.S.A. chapter 33, subchapter 6 \(Vacancies in Town Offices\)](#)
  - [24 V.S.A. § 961 \(Vacancy or suspension of officer's duties\)](#) is amended.
  - [24 V.S.A. § 962 \(to be renamed Special municipal meeting\)](#) is amended.
  - [24 V.S.A. § 963 \(Duties of selectboard; special meeting\)](#) is amended.

Authority of Constables: [Title 24: Municipal and county government]

- [Sec. 39](#) amends [24 V.S.A. § 1529 \(First constable as collector\)](#).
- [Sec. 40](#) amends [24 V.S.A. § 1936a \(Constables; powers and qualifications\)](#).

**PART ELEVEN: Effective Date.** (Sec. 41)

[Sec. 41](#) all sections are effective upon passage.

**APPENDIX I:**

**Mechanics of Instant Runoff Voting (“IRV”),  
the selected methodology of Ranked Choice Voting (“RCV”)**

IRV in Presidential Primaries, as Proposed in This Bill:

To lay a foundation, a political party’s presidential nominee is selected by a candidate amassing a certain number of delegates from across the country. The major parties have different internal rules about how delegates are awarded to primary candidates, how they are selected, and how they must vote.

As a first step---and we now return to § 2706---the major political parties confirm with the Secretary of State if it wants to award delegates either on a winner-take-all basis or on a proportional basis. If that party does not, the default is winner-take-all.

Moving to the mechanics of the chosen methodology of RCV, Instant Runoff Voting, which is described in the new § 2707, a voter will receive a ballot that allows the voter to assign rankings candidates in order of choice. (§2705(b)). Tabulation shall proceed in rounds, eliminating the candidates that received the fewest votes each round, and stopping when a candidate or candidates surpass certain thresholds, which depend on whether the major party awards delegates either on a winner-take-all basis or on a proportional basis.

Reading 2707(d):

If a major political party awards all of the State’s delegates to a single candidate on a winner-take-all basis, tabulation shall proceed as follows:

- (1) If there are two or fewer active candidates, then tabulation is complete, and the candidate with the most votes is declared the winner of the election.
- (2) If there are more than two active candidates, the active candidate with the fewest votes is eliminated, the votes for the eliminated candidate are transferred to each ballot’s next-ranked active candidate, and a new round begins.

Contrast this with 2707(e):

If a major political party awards the State’s delegates to multiple candidates on a proportional basis, tabulation shall proceed as follows:

- (1) If the vote total of *every* active candidate is above the *threshold* for receiving delegates as confirmed by the major political party . . . then tabulation is complete.
- (2) If any active candidate is below the threshold for receiving delegates, then the active candidate with the fewest votes is eliminated, votes for the eliminated candidate are transferred to each ballot’s next-ranked active candidate, and a new round begins.

Essentially, tabulation rounds stop when the only remaining candidates all have reached the indicated threshold, at which point delegates are awarded proportionally among those remaining candidates. There are also other considerations for how to deal with withdrawn candidates, inactive ballots and undervotes. Ties are determined by lot. The results of each round are recorded, certified, and reported.