

BILL OVERVIEW **“Elections Miscellaneous Bill”**

Purpose: This bill proposes to:

- Require the Secretary of State to report on the feasibility of permanently instituting ranked-choice voting for presidential primary elections.
- Prohibit a major political party from nominating a candidate for a general election if that party failed to nominate a candidate during the primary election.
- Prohibit candidates from receiving cross-nominations from multiple political parties.
- Have mail-in ballots sent to voters for primary elections in addition to general elections.
- Require the Secretary of State to report on the feasibility of permitting electronic ballot return for voters who are ill, injured, or have a disability, military and overseas voters, and voters who participate in the Secretary of State’s Address Confidentiality Program.
- Enable candidates to voluntarily 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 candidates 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 Report (Sec. 1)

Sec. 1 is session law that requires the Secretary of State to submit a written report on or before January 15, 2025 to the House and Senate Committees on Government Operations regarding the feasibility and associated costs of permanently instituting ranked-choice voting for presidential primary elections in the State.

PART TWO: Failure of a Major Political Party to Nominate a Candidate by Primary (Secs. 2-3)

Sec. 2 amends [17 V.S.A. § 2381 \(applicability of subchapter \[under ‘nomination by party committee’\]\)](#) to prohibit a candidate from being nominated by a major political party if that political party fails to nominate a candidate by primary.

- Note that § 2381 is amended in both Secs. 2 and 4.

Sec. 3 repeals subsection (a) of [17 V.S.A. § 2386 \(time for filing statements \[under ‘nomination by party committee’\]\)](#), the filing deadline associated with a major political party nominating a candidate when it failed to do so by primary, because this would now be unnecessary.

PART THREE: One-Bite Candidacy (Secs. 4-5)

Sec. 4 creates a new subsection (c) in [17 V.S.A. § 2381 \(applicability of subchapter \[under ‘nomination by party committee’\]\)](#) reading: “In no event shall a candidate who loses a major party primary be nominated to appear on the general election ballot pursuant to this subchapter by a committee of any party other than the party for which the candidate appeared on the primary ballot.”

- Note that § 2381 is amended in both Secs. 2 and 4.

Sec. 5 creates a new subsection (b) in [17 V.S.A. § 2401 \(applicability of subchapter \[under ‘independent candidates’\]\)](#) with language mirror that found in Sec. 4: “A candidate who loses a major party primary for any office shall not appear on the general election ballot as an independent candidate for the same office for which the candidate lost in the primary election.”

PART FOUR: Cross-Nominations (Secs. 6-7)

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.¹

Sec. 6 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. 7 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.

PART FIVE: Mail-in Ballots for Primary and General Elections (Sec. 8)

Sec. 8 amends 17 V.S.A. § 2537a to expand the mailing of ballots to include regular primary elections.

PART SIX: Electronic Ballot Returns (Sec. 9)

Sec. 9 is session law that requires the Secretary of State to report on the feasibility of permitting electronic ballot return for voters who are ill, injured, or have a disability, military and overseas voters, and voters who participate in the Secretary of State’s Address Confidentiality Program.

¹ 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 SEVEN: Candidate Demographic Information (Sec.10-12)

Secs. 10, 11, and 12 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. 10 amends [17 V.S.A. § 2359 \(notification to Secretary of State\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections).
- Sec. 11 amends [17 V.S.A. § 2361 \(consent of candidate\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections).
- Sec. 12 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 EIGHT: Write-in Candidate Registration & Minimum Thresholds in Primary Elections (Sec.13-15)

Secs. 13, 14, 15 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. 13 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. 14 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. 15 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.”

PART NINE: Campaign Finance (Secs. 16-19)

Secs. 16-17 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. 16 amends [17 V.S.A. § 2921 \(Candidates; registration; checking account; treasurer\)](#).
- Sec. 17 amends [17 V.S.A. § 2964 \(Campaign reports; candidates for state office, the general assembly, and county office; political committees; political parties\)](#).

Sec. 18 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. 19 *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 TEN: Audit of Voter Checklists and District Boundaries (Sec. 20)

Sec. 20 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 ELEVEN: Deadline Modifications & Miscellaneous Clarifications (Secs. 21-28)

Sec. 21 amends [17 V.S.A. § 1971 \(Casting more than one ballot\)](#) to make explicit that voters may not vote in multiple jurisdictions.

Sec. 22 *repeals* [17 V.S.A. § 1973 \(Voting in more than one place\)](#). §1973 is now redundant with §1971.

Sec. 23 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. 24 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. 25 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. 26 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. 27 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. 28 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 TWELVE: Local Elections (Secs. 29-36)

Open Meeting Law Not Applicable to Annual Meetings:

- [Sec. 29](#) amends [1 V.S.A. § 310 \(Definitions \[Public information\]\)](#).

Cannabis Establishment Vote; Australian Ballot:

- [Sec. 30](#) amends [7 V.S.A. § 863 \(Regulation by local government\)](#).

Annual and Special Municipal Meetings:

- [Sec. 31](#) 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.
 - o [17 V.S.A. § 2651a \(Constables; appointment; removal; elimination of office\)](#) is amended.
 - o [17 V.S.A. § 2651d \(Collector of delinquent taxes; appointment; removal\)](#) is amended.
 - o [17 V.S.A. § 2651e \(Municipal clerk; appointment; removal\)](#) is amended.
 - o [17 V.S.A. § 2651f \(Municipal treasurer; appointment; removal\)](#) is amended.
 - o [17 V.S.A. § 2662 \(Validation of municipal meetings\)](#) is amended.

Australian Ballot System:

- [Sec. 32](#) amends [17 V.S.A. chapter 55, subchapter 3 \(Local Elections Using the Australian Ballot System\)](#).
 - o [17 V.S.A. § 2680 \(Australian ballot system; general\)](#) is amended.
 - o [17 V.S.A. § 2681 \(Nominations; petitions; consents\)](#) is amended.
 - o [17 V.S.A. § 2685 \(Conduct of recount\)](#) is amended.

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

- [Sec. 33](#) amends [20 V.S.A. § 2485 \(Officers generally\)](#).

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

- [Sec. 34](#) amends [24 V.S.A. chapter 33, subchapter 6 \(Vacancies in Town Offices\)](#).
 - o [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. 35 amends [24 V.S.A. § 1529 \(First constable as collector\)](#).
- Sec. 36 amends [24 V.S.A. § 1936a \(Constables; powers and qualifications\)](#).

PART THIRTEEN: Effective Date. (Sec. 41)
Sec. 37 all sections are effective upon passage.