

AMENDMENT 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 candidates who lose a primary from running in the general election under another party or as an independent candidate.
- Enable candidates to voluntarily provide additional demographic information.
- Require write-in candidates to file with either the Secretary of State or relevant clerks by the close of polls in order have their votes counted, and to increase the minimum thresholds for write-in candidates in primary elections.
- **Modifying monetary thresholds for when candidates, parties, and committees register and file campaign finance information with the Secretary of State.**
- **Redefining the term “independent expenditure-only committee” and inserting alongside ‘political committees’ so that the two entities comply with the same laws (excluding contributions)**
- Require town clerks and boards of civil authority to perform audits of voter checklists for Representative districts and Senatorial districts that split municipal boundaries.
- In the event of a contested election and recount, require candidates to nominate disinterested parties to a recount committee and prohibit the Superior Court from appointing nominees to the recount committee if they are an interested party.
- Modify various State and local election procedures.
- **Modify automatic voter registration at the DMV so that an applicant for a driver’s license is automatically registered to vote if the applicant attests to having U.S. citizenship or if the DMV has proof of U.S. citizenship for the applicant, unless the applicant opts-out.**
- **Require ballots list the candidates’ names as they appear on the candidates’ campaign finance registration rather than consent form.**

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, 2028, 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 **beginning in 2032**.

- Note: Secs. 2-3 were “deleted” by amendment on the House floor. These sections pertained to the failure of a major political party to nominate a candidate by primary.

PART TWO: 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 THREE: Miscellaneous Changes to Electronic Ballot Delivery Law (Secs. 7)

Sec. 7 amends [17 V.S.A. § 2539 \(Delivery of early voter absentee ballots\)](#) to define an “overseas voter” as “a person who was last domiciled in Vermont before leaving the United States and resides outside the United States.” It will also enable voters who participate in the Secretary of State’s Address Confidentiality Program to *receive* their ballots electronically.

- Note: Sec. 6 was session law that required the Secretary of State to report on or before November 15, 2026 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.

PART FOUR: Candidate Demographic Information (Sec. 8)

Secs. 8 amends [17 V.S.A. § 2665 \(notification to Secretary of State \[Local Elections, Town Meetings And Local Elections In General\]\)](#). Will enable the collection of demographic information *voluntarily* provided by candidates running for local offices (excluding school boards); specifically, name, gender, age, or race or ethnicity. 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 FIVE: Registration & Counting Votes for Write-in Candidates (Sec. 9-12)

Secs. 9-12 will together require that votes for write-in candidates for the General Assembly, any State office, or any federal office will only be counted if: A) a write-in candidate registers not later than 5:00 p.m. the Thursday preceding the election, B) a write-in candidate already filed a consent for a major political party, C) if no candidate is printed on the ballot, D) if a candidate whose name is printed on the ballot dies or is otherwise disqualified prior to 7:00 p.m. on election day, or E) if the number of “other write-ins” equals or exceeds the number of votes cast for any printed candidate.

- Sec. 9 amends [17 V.S.A. § 2370 \(write-in candidates\)](#) in Title 17, Chapter 49 (Nominations), Subchapter 1 (Primary Elections), adding a new subsection (a) to require a write-in candidate to file a form no later than 5:00 p.m. the Thursday preceding the election for that write-in candidate’s votes to count. 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. 10 amends 17 V.S.A. § 2472 (Contents [of ballots]), adding subdivision (b)(5) to require a write-in candidate to file a form no later than 5:00 p.m. the Thursday preceding the election for that write-in candidate's votes to count.
 - o Note: this is the second place in the bill where § 2472 is amended.
- Sec. 11 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 by 5:00 p.m. the Thursday preceding the election, the vote shall be counted as "other write-ins," unless the candidate is already filed a consent, a ballot has no names for the office, a printed candidate dies, or there are equal or more "other write-in" votes than the apparent winner. The election officials counting ballots and tallying results shall only list the names and votes received of registered write-in candidates in these circumstances.
- Sec. 12 amends 17 V.S.A. § 2702 (Nominating petition [Presidential primary]) to require a write-in candidate for U.S. President to register no later than 5:00 p.m. the Thursday preceding the election.

PART SIX: Campaign Finance; Reporting Thresholds (Secs. 13-17)

Secs. 13-17 remove various monetary thresholds, so that instead of surpassing a certain dollar amount (e.g. \$500 in expenditures or contributions), 1) candidates are to register with the Secretary of State with the necessary financial information, *regardless* of monies received or spent, 2) parties, political committees, and independent expenditure-only committees are to register within 10 days after making an expenditure, and 3) all candidates, parties, political committees, and independent expenditure-only committees are to begin filing campaign reports upon making expenditures of \$500 or more.

- Sec. 13 amends 17 V.S.A. § 2921 (to be renamed "Registration; candidates") to remove the monetary threshold for when candidates must register campaign information with the Secretary of State. Candidates will have to register prior to filing their consent form. Candidates need only file their banking information with the Secretary of State at the time of expending funds. The candidate's name must appear the same on this registration and the consent form.
- Sec. 14 amends 17 V.S.A. § 2922 (to be renamed "Registration; political committees; independent expenditure-only political committees") to remove the monetary threshold for when a political committee or an independent expenditure-only political committee must register campaign information with the Secretary of State. Committees must register within 10 days of making an expenditure.
- Sec. 15 amends 17 V.S.A. § 2964 (Campaign reports; candidates for state office, the general assembly, and county office; political committees; political parties) to remove the monetary threshold for when reporting requirements are triggered. Candidates, committees, and parties will have to begin filing in accordance with the statutory schedule upon either making expenditures of \$500 or more or rolling over surplus funds into a new campaign.
- Sec. 16 *repeals* 17 V.S.A. § 2966 (Reports by candidates not reaching monetary reporting threshold) and migrates some language to § 2964.

- Sec. 17 amends 17 V.S.A. § 2970 (to be renamed “Campaign reports; public questions”) to remove the monetary threshold for when reporting requirements are triggered related to public questions. A political action committee or independent expenditure-only political committee that makes expenditures of \$500 or more during the election cycle for the purpose of advocating a position on a public question or influencing an election in any election shall file a report of its expenditures 30 days before, 10 days before, and two weeks after the election with the Secretary of State.

PART SEVEN: Campaign Finance; Independent Expenditure-Only Political Committees
(Secs. 17a-17g)

Sec. 17a amends 17 V.S.A. § 2901 (Definitions) by:

- Modifying the definition for “independent expenditure-only political committee” so that it is no longer a subcategory of political committee. It will mean any *one* or more individuals or persons that accept contributions or make expenditures *in any amount* that conduct activities entirely independent of candidates. Note: these committees, unlike other political committees, are not subject to contribution or expenditure limitations.
- “Independent expenditure-only political committee” also includes any “self-funded individual,” meaning an individual who receives no contributions from any other source for the purpose of supporting or opposing candidates, influencing an election, or advocating for or against a public question. Note: a self-funded individual need not utilize a campaign checking account, but must otherwise comply with campaign finance law.
- Modifying the definition of “Political committee”/“political action committee” from any two individuals to any *one person* that accepts contributions or makes expenditures *in any amount*.

Sec. 17b amends 17 V.S.A. § 2925 (Political committees; surplus campaign funds) by inserting “independent expenditure-only political committee” after a reference to “political committee” so that both entities must comply with the same law.

Sec. 17c amends 17 V.S.A. § 2945 (Accepting contributions) by inserting “independent expenditure-only political committee” after references to “political committee” so that both entities must comply with the same law.

Sec. 17d amends 17 V.S.A. § 2962 (Reports; general provisions) by inserting “independent expenditure-only political committee” after a reference to “political committee” so that both entities must comply with the same law.

Sec. 17e amends 17 V.S.A. § 2965 (to be re-named ‘final reports; end-of-cycle reports’) by inserting “independent expenditure-only political committee” after references to “political committee” so that both entities must comply with the same law.

Sec. 17f amends 17 V.S.A. § 2972 (Identification in electioneering communications) by inserting “independent expenditure-only political committee” after references to “political committee” so that both entities must comply with the same law.

Sec. 17g amends 17 V.S.A. § 2973 (Specific identification requirements for radio, television, or internet communications) by inserting “independent expenditure-only political committee” after references to “political committee” so that both entities must comply with the same law.

PART EIGHT: Audit of Voter Checklists and District Boundaries (Sec. 18)

Sec. 18 is session law that requires town clerks and boards of civil authority, on or before August 15, 2025, to perform audits of voter checklists for Representative districts and Senatorial districts that split municipal boundaries. On or before September 15, 2025, each town clerk must provide a written summary of the audit to the Elections Division of the Secretary of State's Office. On or before November 15, 2025, the Secretary shall submit a written report with the findings of the audits.

PART NINE: Prohibiting Appointment of Interested Parties to a Recount Committee

(Sec. 19)

Sec. 19 amends [17 V.S.A. § 2602a \(Appointment of Recount Committee\)](#), so that, in the event of a contested election and recount, candidates are to nominate “disinterested” parties to a recount committee. It would also prohibit the Superior Court from appointing nominees to the recount committee if they are an interested party. “Disinterested individual” is defined as “an individual who is not a relative of or subordinate to the candidates and who shares no direct pecuniary interest with the candidates.”

PART TEN: Deadline Modifications & Miscellaneous Clarifications (Secs. 20-28)

Sec. 20 amends [17 V.S.A. § 1971 \(Casting more than one ballot\)](#) to make explicit that voters may not vote in multiple jurisdictions.

Sec. 21 *repeals* [17 V.S.A. § 1973 \(Voting in more than one place\)](#). §1973 is now redundant with §1971.

Sec. 22 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. 23 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. 24 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. 25 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. 26 amends [17 V.S.A. § 2402 \(Requisites of Statement\)](#) by requiring that a statement of nomination and consent form be filed for justices of the peace by “the third Monday in July before each primary election,” conforming with the similar provision in Sec. 25.

- **Note:** the previous Sec. 26 would have amended [17 V.S.A. § 2493 \(For use of vote tabulators; audits\)](#) by removing the requirements that post-election audits of vote tabulators be random. This has been deleted, meaning current law will be preserved ‘as is.’

Sec. 27 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.

Sec. 28 amends [17 V.S.A. § 2703 \(Examining petitions; supplementary petitions\)](#) to allow election officers to return defective petitions (signatures) in a *presidential primary* to a candidate within *two business days* from receipt, instead of 72 hours, similar to Sec. 25 above.

PART ELEVEN: 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.
 - Note: § 2651d-f will now enable appointed collectors of delinquent taxes, municipal clerks, and treasurers to be removed ‘at will.’
 - o [17 V.S.A. § 2662 \(Validation of municipal meetings\)](#) is amended.

Australian Ballot System:

- Sec. 32 amends [17 V.S.A. § 2680 \(Australian ballot system; general\)](#) is amended.
 - o Note: Deleted proposed amendment to [17 V.S.A. § 2681 \(Nominations; petitions; consents\)](#) that would have changed the deadline for nominations of the municipal officers by petition (i.e. “on the ~~sixth~~ fifth Monday preceding the day of the election”). This will leave statute ‘as is.’

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.
 - o [24 V.S.A. § 962 \(to be renamed Special municipal meeting\)](#) is amended.
 - o [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 TWELVE: Automatic Voter Registration (Sec. 37)

Sec. 37 amends 17 V.S.A. § 2145a (Registrations at the Department of Motor Vehicles) to change one of the current voter registration systems where an applicant or renewal for a driver's license is automatically (re)registered to vote, unless the applicant opts-out. An applicant would now either have to attest to U.S. citizenship or the DMV would have to have proof of U.S. citizenship for the applicant to be automatically (re)registered to vote, unless the applicant opts-out.

PART THIRTEEN: Listing of Candidate Names on Ballots (Secs. 38-39)

Sec. 38 amends [17 V.S.A. § 2472 \(Contents \[under 'conduct of elections; ballots'\]\)](#) to require a ballot list the candidate's name as it appears on the candidate's campaign finance registration.

Sec. 39 amends [17 V.S.A. § 2361 \(Consent of candidate \[under 'nominations; primary elections'\]\)](#) to require a candidate, when filing a consent form, to include the candidate's name the same as it appears on the candidate's campaign finance registration.

PART THIRTEEN: Effective Date (Sec. 40)

Sec. 40 sets all sections are effective upon passage.