

## **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.
- 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 town clerks and boards of civil authority to perform audits 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.
- 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.

**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, 2026 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: Electronic Ballot Returns Report and Miscellaneous Changes to Electronic Ballot Delivery Law** (Secs. 6-7)

Sec. 6 is session law that requires 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.

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.

**PART FIVE: 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 SIX: Write-in Candidate Registration & Minimum Thresholds in Primary Elections** (Sec. 9-12)

Secs. 9, 10, 12 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. 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). 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)(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. 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 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.”
- Sec. 12 amends [17 V.S.A. § 2702 \(Nominating petition \[Presidential primary\]\)](#) require a write-in candidate for U.S. President to register (by filing a consent of candidacy form) no later than 5:00 p.m. on the second Friday preceding the primary election.

**PART SEVEN: Campaign Finance** (Secs. 13-17)

Secs. 13-14 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. 13 amends [17 V.S.A. § 2921 \(Candidates; registration; checking account; treasurer\)](#).
- Sec. 14 amends [17 V.S.A. § 2964 \(Campaign reports; candidates for state office, the general assembly, and county office; political committees; political parties\)](#).

Sec. 15 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
- Creating a definition for the term “public question campaign” to be:
  - o a political campaign, specifically an effort to influence an election, that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make any “related campaign

expenditures,” as defined in section 2944(b) of this title; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures. A “public question campaign” includes any campaign making independent expenditures as defined by 52 U.S.C. § 30101.

Sec. 16 amends [17 V.S.A. § 2971 \(Report of mass media activities\)](#) by replacing two uses of “independent expenditure-only political committee” with “public question campaign.”

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

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.
  - 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.
  - 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: Effective Date.** (Sec. 37)

Sec. 37 all sections are effective upon passage.