

AMENDMENT OVERVIEW “Elections Miscellaneous Bill”

Purpose: This strike-all amendment to H.474 proposes to:

- Prohibit candidates who lose a primary from running in the general election under another party or as an independent candidate.
- Require write-in candidates to file with either the Secretary of State or relevant clerks **before an election** in order to 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.
- 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.**

**Green text indicates changes made by the Senate Committee on Government Operations (“SGO”) to the bill as passed by the House.*

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

Secs 4-5 prohibit candidates who lose a primary from running in the general election under another party or as an independent candidate.

- 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: § 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.”

Notes:

- Sec. 1 was “deleted” by the SGO. This would have required the Secretary of State to submit a written report regarding the feasibility and associated costs of permanently instituting ranked-choice voting for presidential primary elections in the State.

- [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.
- [Sec. 6](#) was “deleted” by SGO. This would have required 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.

PART TWO: Miscellaneous Changes to Electronic Ballot Delivery Law (Sec. 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: [Secs. 8](#) was “deleted” by SGO. It would have enabled the collection of demographic information *voluntarily* provided by candidates running for local offices (excluding school boards); specifically, name, gender, age, or race or ethnicity.

PART THREE: Write-in Candidates Registration & Minimum Thresholds in Primary Elections (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 FOUR: 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 any monies received or spent, 2) parties, political committees, and independent expenditure-only committees are to register after receiving or spending \$500 or more, and 3) all candidates, parties, political committees, and independent expenditure-only committees are to begin filing campaign reports upon receiving or spending 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 expenditures or receiving contributions of \$500 or more.
- 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 or receiving contributions 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 FIVE: 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 SIX: 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.

Note: Sec. 19 was “deleted” by SGO. This would have required, in the event of a contested election and recount, candidates to nominate “disinterested” parties to a recount committee.

PART SEVEN: Deadline Modifications & Miscellaneous Clarifications (Secs. 20-23, 25-28)

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.

- Note: Sec. 24 was “deleted” by SGO. This would have required 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 EIGHT: Local Elections; Open Meeting Law Not Applicable to Annual Meetings (Sec. 29)

- Sec. 29 amends 1 V.S.A. § 310 (Definitions [Public information]) to make explicit that the Open Meeting Law does not apply to towns’ annual meetings:

Note: Secs. 30-36 were “deleted” by SGO:

- Sec. 30 would have amended law regarding cannabis establishment votes and Australian ballots.
- Sec. 31 would have amended various statutory sections regarding notice for annual and special municipal meetings and the appointment of some municipal officers.

- Sec. 32 would have amended law regarding the Australian ballot systems and deadlines for nominations of the municipal officers by petition.
- Sec. 33 would have amended law regarding fire district voting.
- Sec. 34 would have amended law regarding vacancies in town offices.
- Secs. 35-36 would have amended law regarding the authority of constables.

PART NINE: 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.

Note: While not proposed in the bill as passed by the House, Secs. 38-39 were inserted and then “deleted” by SGO. These would have required a ballot to list the candidate's name as it appears on the candidate's campaign finance registration. It also would have amended 17 V.S.A. § 2361 (Consent of candidate) to accompany the amendment in Sec. 13, amending 17 V.S.A. § 2921, 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 TEN: Effective Date (Sec. 40)

Sec. 40 sets all sections are effective upon passage.