



**State of Vermont  
Office of the Secretary of State**

128 State Street  
Montpelier, VT 05633-1101  
(802) 828-2363

**Sarah Copeland Hanzas, Secretary of State  
S. Lauren Hibbert, Deputy Secretary**

**Elections Division  
Seán Sheehan, Director**

**March 26, 2025**

**To: Hon. Matthew Birong, Chair  
House Committee on Government Operations and Military Affairs**

**From: S. Lauren Hibbert, Deputy Secretary of State  
Sean Sheehan, Director, Elections and Campaign Finance**

**Re: Sibilia Amendment draft 2.1**

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***Independent Filing Deadline Considerations – March 26, 2025***

**The Vermont Secretary of State strongly objects to moving the independent filing deadline *any* later than the current deadline of the Thursday before the statewide primary.**

- This places intense demands on the VTSOS Elections Division during primary week and the weeks after.
- Risks to Vermont's statutorily mandated universal vote by mail schedule.

**Election deadlines are not *arbitrary*. Each deadline is set with a balance of giving candidates time to make critical decisions and ensuring that clerks and the elections team have time to administer elections. This includes ballot preparation, ballot proofing, double-checking that the ballots can be read by a tabulator, and printing and mailing.**

- The deadline was moved to the Thursday before the statewide primary in the prior session in order to accommodate the advent of UOCAVA's deadline for mailing ballots to overseas and military voters – and subsequently universal vote by mail.
- The deadline cannot be moved later without either increasing the risk of ballot errors or falling out of compliance with UOCAVA and the statutory deadline for universal vote by mail.
  - The time post primary is not administrative or bureaucratic in nature but in fact is HIGHLY technical, requires extreme focus and attention to detail, and requires integration with three vendors (tabulator vendor, printing company, and accessibility and electronic delivery of ballots vendor). The consequences of making an error on a ballot are dire. It impacts someone's ability to run for office. And, it could be costly.

- The number of independent candidates for statewide, general assembly, and county offices who present filings for VTSOS to examine is not insignificant, and it is highly variable.
  - Excluding independent presidential candidates, who must file by the earlier deadline of August 1st, VTSOS had 49 file in 2022 and 23 in 2024.
  - 2020 was even higher – 70 – possibly because of COVID election law changes.
  - Considering that each candidate is required to gather between 50 and 500 signatures, depending on the office, this adds up to several thousand signatures for the small team to review. It is important to note that currently, after the filing deadline, our team has 72 hours to review the signatures. If there is an issue with a petition, the candidate has 10 days to cure the issue.
- The Elections Division manages this significant workload by slotting it in between the other workflows. The week before the primary is workable because it is a relatively calm week before the primary.
  - It is not manageable to add to the following week's workload.
  - The week after the primary is arguably our election team's busiest week of the year:
    - VTSOS 6 member team needs to answer countless questions for the public and clerks;
    - assists clerks on election reporting and canvasses, preparing to certify the elections, answering questions on recounts and challenges, and preparing the general election ballot files.
    - This team also needs to prepare for the statewide certification which occurs one week after the primary.
    - The VTSOS team is already required to work long days at this time. The team does not have any capacity to add more work.
  - Representative Sibia asked VTSOS what we would need to make this possible. At a minimum, we would need authorization to hire a limited-service position and general fund allocation to support this cost. This need is not reflected in draft 2.1.
    - If the deadline were moved and VTSOS was not appropriated additional staff and a general fund allocation, our ability to manage the election certification and support clerks would be compromised.
      - This is a risky move even if VTSOS appropriated one limited-service position for a minimum of 5 weeks to accomplish this post-primary.
      - This is a skilled role. The pool of individuals who would apply may not be qualified. Vetting candidates and training this person would take time away from a team already stretched thin. (That person would need to be trained pre-primary (2 weeks), then would need to be on the team for the three or four weeks post-primary to manage independent candidates' questions, petitions, signature verification, and the cure period.)
- The resource and workload timing challenge is only one issue. The bigger issue is the rigidity of the general election ballot preparation, printing, and mailing calendar.
  - Preparing, printing, and mailing 450,000 ballots consisting of 283 different ballot styles is a huge job.

- This work requires many interdependent workflows that must be completed and double-checked.
- The ballots must be prepared and then proofed by multiple people in the VTSOS Elections Division, town clerks, and the tabulator company.
- The ballot styles are then sent to the printer who conducts another review.
- All of this must occur before printing, stuffing, and mailing the ballots. That last step takes weeks.
- Even if VTSOS were appropriated additional staff, they would still face the reality of this calendar.
- Again, moving this deadline any later than its current date would put tremendous stress on an already delicately managed tight timeline. It would expose VTSOS to the potential to make errors or not catch something that needs to be fixed.

**The party/primary path and independent path to the ballot are not equivalent.**

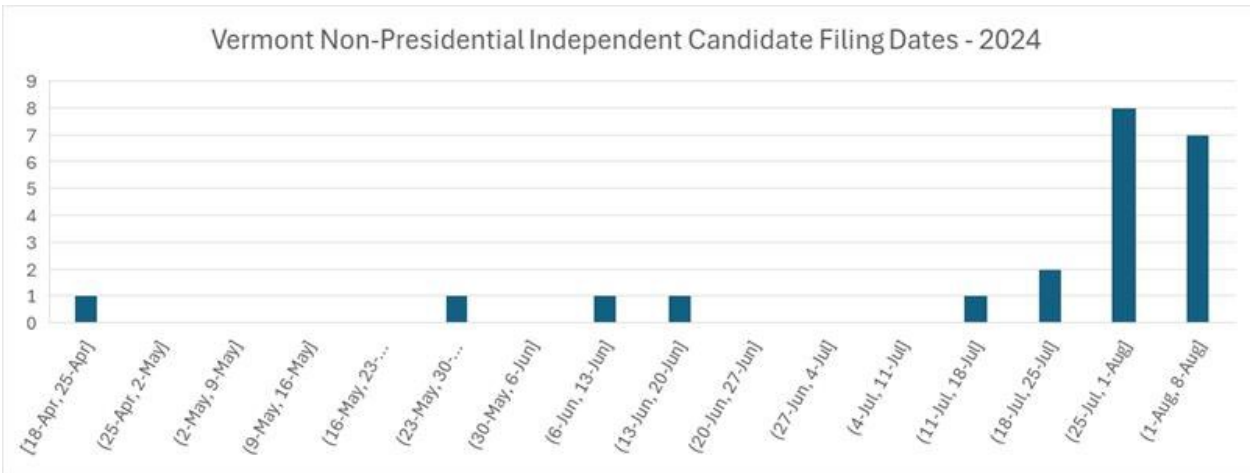
- Independent candidates have almost three times as long to decide if they want to file and to obtain signatures on the petitions.
  - Major party candidates have 5 ½ weeks to file their consent, financial disclosure, and petitions (4/22 – 5/30 in 2024)
  - Independent candidates have 15 ½ weeks to file their consent, financial disclosure, and petitions (4/22 – 8/8 in 2024)
- Under the current law, an independent candidate has (at a minimum) from just over two months (in 2024: 5/30 to 8/8) to assess the candidates in all parties and decide if he or she would want to run against them if they won their respective primaries. This is a LONG timeframe to make that decision compared to the party candidate's window of 4/22-5/30 when you may not know who the other candidates are until the last day of the filing period. Additionally, the current process allows an independent candidate to withdraw after the primary if a preferred candidate wins the primary.

**Major party nomination post-primary is NOT the same as an independent candidate filing.**

- A party can replace a withdrawn candidate on the ballot. A candidate has 10 days to withdraw, and a party has 7 days to nominate. Those 17 days assume the full periods for both steps in the process are used. If that occurred, it would be problematic for UVBM timeline, but:
  - 1) Withdrawals are rare:
    - a. As Representative Pinsonault noted on the floor yesterday, she has been a clerk for 21 years and never had a single candidate withdraw.
    - b. The Progressive party frequently has statewide candidates withdraw post-primary. Fortunately, they withdraw and re-fill more quickly than the allotted time.
  - 2) The process of making a party nomination is administratively simple
    - a. As opposed to a complex candidate filing with petitions (which happens in April and May for major party candidates and August for independent candidates).

- b. A party nomination can be entered into the system immediately, while a candidate filing with petitions needs to be inspected (72 hours) and may need to be given time to cure (candidate allowed up to 10 calendar days).

Timelines from the 2024 Election



2024 Non-Presidential Independent Candidates (sorted by filing date)

REPRESENTATIVE TO CONGRESS		ADAM ORTIZ	22-Apr
GOVERNOR		ELI "POA" MUTINO	28-May
STATE REPRESENTATIVE	LAM 1	JED LIPSKY	10-Jun
STATE REPRESENTATIVE	WAS 1	ANNE B. DONAHUE	18-Jun
US SENATOR		MARK STEWART GREENSTEIN	17-Jul
GOVERNOR		KEVIN HOYT	22-Jul
STATE REPRESENTATIVE	WAS 2	JOHN J. BURNS	24-Jul
STATE SENATOR	WDR 1	MARC NEMETH	26-Jul
STATE REPRESENTATIVE	WDH 3	CASEY K. COTA	29-Jul
STATE SENATOR	CHI SE 1	TAYLOR CRAVEN	30-Jul
STATE SENATOR	BEN 1	CYNTHIA BROWNING	31-Jul

STATE SENATOR	BEN 1	LAWRENCE "SPIKE" WHITMIRE	31-Jul
US SENATOR		STEVE BERRY	1-Aug
STATE SENATOR	BEN 1	STEVE BERRY	1-Aug
HIGH BAILIFF	BENNINGTON	ANDREW SHAW	1-Aug
STATE REPRESENTATIVE	WAS CHI	JAMES R. HADDAD	2-Aug
US SENATOR		BERNIE SANDERS	5-Aug
STATE SENATOR	LAM 1	MAUREEN A. HECK	5-Aug
STATE SENATOR	WDH 1	KEN FAY	5-Aug
STATE REPRESENTATIVE	WAS 3	CAROL DAWES	5-Aug
STATE REPRESENTATIVE	WDH 8	KEN FAY	5-Aug
STATE REPRESENTATIVE	WDH 2	LAURA SIBILIA	6-Aug

2024 Non-Presidential Independent Candidates (sorted by office)

US SENATOR		STEVE BERRY	1-Aug
US SENATOR		MARK STEWART GREENSTEIN	17-Jul
US SENATOR		BERNIE SANDERS	5-Aug
REPRESENTATIVE TO CONGRESS		ADAM ORTIZ	18-Apr
GOVERNOR		KEVIN HOYT	22-Jul
GOVERNOR		ELI "POA" MUTINO	28-May
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