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April 9, 2025

To: Hon. Brian Collamore, Chair
Senate Committee on Government Operations

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

Re: Misc. Elections Bill H.474

Dear Committee Members:

Thank you for the opportunity to testify about this year's Elections Bill.

This bill modifies Title 17 and focuses on:

- 1) Reducing administrative burden and improving service. This bill implements a write-in registration which will make the election results process for clerks and local officials more efficient, consistent, and error-free. By only individually reporting votes for Vermonters who express an interest in being counted, this change saves money while still allowing access to late aspiring candidates. Other sections of the bill make improvements to the processes for filing candidate petitions, party organization, and campaign finance reports.
- 2) Promoting transparency and accountability. Several sections of this bill improve the campaign finance registration and reporting process. Other sections enable the collection of candidates' demographic information, to enable reporting in the aggregate, with a Public Records Act exemption.
- 3) Aligning statutes. Housekeeping aspects of this bill include tighter language for voter fraud, clarifying the timeline for early voting and curing defective ballots, defining overseas voters, and conducting election audits.
- 4) Assessing opportunities to increase deliberative democracy. Ranked choice voting holds the potential to improve voter engagement, while electronic ballot return holds the potential to improve voter access. Before moving forward, the Legislature should better understand the costs and logistics of ranked choice voting and address security concerns related to electronic ballot return.
- 5) Requiring the Secretary of State to submit three reports:
 - a. Ranked Choice Voting
 - b. Electronic Ballot Return

c. Audit of Voter Checklists and District Boundaries

The Vermont Secretary of State's Office (VTSOS) supports the work done on this bill on the House side and would be happy to speak about any of the proposed changes and their expected impact on Vermont elections. We would also like to have further discussion on six specific areas. Three of the six fall within the existing sections of the bill and are called out below as needing additional clean-up. We have communicated to the House Committee on Government Operations that we would aim to finetune these areas on the Senate side. In addition, we wanted to call out three other election-related topics this committee could consider – Rep. Donahue's suggestions for adjustments to the definition of domicile, alignment of automatic voter registration language, and clarification of legislative intent for ballot alphabetization.

Title 17 – General Provisions

Section 1: *Ranked Choice Voting Report*

VTSOS supports this section, which would require our office to submit a written report regarding the feasibility and associated costs of instituting ranked choice voting for presidential primary elections. The report is due January 15, 2026.

If the General Assembly adopts ranked choice voting (RCV) for presidential primary elections in a future legislative session, our office would be tasked with overseeing implementation. Fortunately, Vermont would not be creating an implementation plan from whole cloth. Indeed, Maine has used RCV for years, and Alaska, New York City, and dozens of cities across the country, from California to Utah to Massachusetts, also use it. Voter education has been an important priority for each jurisdiction. The [Center for Civic Design](#) and the [Ranked Choice Voting Resource Center](#) have studied lessons learned for voter education, and we would use the lead time to implement best practices here in Vermont.

We've spoken to our tabulator vendor, LHS, to understand how they will be able to support RCV. At the same time, it's important to remember many jurisdictions, including our neighbors in Maine with even more handcount towns than Vermont, have managed RCV. If charged with writing a report on RCV, VTSOS would certainly explore implementation considerations with existing RCV jurisdictions and Vermont's city and town clerks.

Section 2: *Failure of a Major Political Party to Nominate a Candidate by Primary*

17 V.S.A. § 2381

VTSOS sees this section as a policy decision for the legislature. VTSOS is equipped to implement the change or to maintain current practice.

Section 3: *Time for Filing Statements*

17 V.S.A. § 2386

VTSOS sees this section as a policy decision for the legislature. VTSOS is equipped to implement the change or to maintain current practice.

Sections 4 and 5: *One-Bite Candidacy*

17 V.S.A. § 2381, 17 V.S.A. § 2401

VTSOS sees this section as a policy decision for the legislature. VTSOS is equipped to implement the change or to maintain current practice.

Section 6: *Electronic Ballot Return Report*

This section requires VTSOS to submit a written report on the feasibility and associated costs 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.

Electronic Ballot Return (EBR) refers to voters uploading their ballot through an online portal. For these specific audiences who have challenges with postal mail timing, this technology holds the potential to increase voter access. However, our office doesn't support moving forward until Vermont can be 100% sure the technology is secure.

The report is due November 15, 2026.

Considerations that contributed to the charged report's focus and deadline include:

- Reports from the Cybersecurity and Infrastructure Security Agency (CISA) identify areas that need to be tightened up before Vermont can have full confidence in the security of EBR technology. Given the current federal posture that elections are no longer considered critical infrastructure, it is unlikely a standard for security will be developed in the next couple years that will give us confidence in this technology at this time. By monitoring what other states are doing, assessing how many adopt or discontinue EBR, and reporting back in fall 2026 if there are changes in the landscape around security best practices and guidance.
- The Agency of Digital Services should be involved in assessing security provisions and Vermont's level of preparation.
- Major changes to election law should be enacted in an odd-numbered year to allow VTSOS and clerks ample time to prepare for the change. An ideal time for a report would therefore be late in an even-numbered year.

Section 7: *Delivery of Early Voter Absentee Ballots*

17 V.S.A. § 2539

This section clarifies the definition of overseas voters and extends the delivery of electronic ballots to the Address Confidentiality Program (Safe at Home).

The clarification of who is an “overseas voter” is made to better align with the federal definition - a person who was last domiciled in our state before leaving the United States, and who resides outside the United States.

Electronic delivery of ballots refers to the manner in which military and overseas voters, as well as those who are ill, injured, or have a disability, can currently opt to receive their ballot. They still have to return it physically in person or by mail.

This section expands electronic delivery to the Safe at Home population to preserve their ability to vote and protect their privacy. The mail-forwarding process used by this population can lead to a 7-10 day delay in mail delivery. Add in existing issues with postal delivery and it can be a challenge to return a voted ballot by election day.

Again, this population would still need to physically return their voted ballot to their clerk, just as the overseas population does. However, the time savings of receiving the blank ballot electronically on the front end provides ample time to vote and return their ballot before election day. This change is not creating a new process but rather is extending an existing process to a small but vulnerable population (around 200 Vermonters currently).

Section 8: *Candidate Demographic Information*

17 V.S.A. § 2665

This section directs VTSOS to collect voluntary demographic information. It leaves specifics for how it is collected out of statute so that VTSOS can adopt policies to collect it in the most effective manner. It exempts demographic information from Public Records Act queries.

Sections 9, 10, 11, and 12: *Write-in Candidates*

17 V.S.A. § 2370, 17 V.S.A. § 2587, 17 V.S.A. § 2702, 17 V.S.A. § 2921

These sections create a registration process for write-in candidates who would consent to serving, if elected, and directs clerks and BCA to count those registered candidates in addition to named candidates who already consented. Write-in registration is a major priority for municipal clerks and also strongly supported by VTSOS.

This policy change will help clerks and local officials make the election results process more efficient, consistent, and error-free. It will bring Vermont closer to the majority of states that use registration. It will save money and enable clearer communication to voters and pollworkers, while still allowing access to late aspiring candidates.

Clerks report that deciphering, tallying and reporting one-off write-ins is the most time-consuming work of election night – often keeping pollworkers at work past midnight and running up election expenses. Likewise, when VTSOS conducts the statewide election audit in December, we’ve found write-in reporting to be the most inconsistent and time-consuming portion of the process. Registration makes it easier for write-in candidates to communicate their name variations for BCA members to look out for – and limits the guesswork by BCA. Registration also avoids any disputes over who wins an election if

there are two citizens in a district with the same name, as we heard testimony has happened in Brattleboro and VTSOS reported getting calls from other towns.

According to the U.S. Election Assistance Commission, 31 states currently have a write-in registration process (several others don't allow write-ins at all, leaving Vermont in the small minority that allow write-ins with no registration).

Per the policy change in this section, unregistered candidates will be listed in the results in the aggregate as 'other write-ins.' The change applies to all general assembly, county, statewide, and federal offices and applies to the presidential primary, statewide primary, and general election.

We will note that this policy is one where refinement is warranted – specifically around the deadline for aspiring candidates to register with VTSOS or local clerks, which was changed in a late amendment from two Fridays before the election to 7pm on election night. Knowing the close-of-polls is a particularly hectic time for clerks, and that some towns don't have internet access at the polls, VTSOS and VMCTA pledged to the House that we would examine logistics and address on the Senate side. We assured the House that we would adhere to the spirit of the problem they were trying to solve.

Sections 13 and 14: Campaign Finance Registration

17 V.S.A. § 2921, 17 V.S.A. § 2964

These sections eliminate the \$500 registration threshold and thus require all candidates to register with the VTSOS prior to filing their consent form. This change enables several process improvements with benefits for the candidate and for transparency.

First, it will allow VTSOS to send courtesy filing deadline reminders from the new campaign finance system to candidates, thus decreasing the likelihood of candidates inadvertently overlooking filing deadlines.

Second, it will prevent candidates from slipping through the cracks of public awareness and will enable easier searching of the new campaign finance system, as the format of the candidate's name on the consent form and ballot will match with the format on the campaign finance site.

The bill exempts candidates who do not intend to accept or expend campaign funds from the requirement to provide a campaign checking account when they register with the VTSOS campaign finance system. If such candidates subsequently change their mind, they would be required to open, and report, a campaign checking account when they begin to accept or expend funds.

Sections 15, 16, and 17: Campaign Finance Reporting

17 V.S.A. § 2901, 17 V.S.A. § 2970, 17 V.S.A. § 2971

The sections replace "independent expenditure-only political committees" with "public question campaigns." The former category had presented inconsistencies in campaign finance reporting

requirements by not having to list a treasurer or report contributions. These changes will provide greater consistency in requirements for campaigns and improve public transparency.

These sections are a second area we flagged for the House as needing refinement in the Senate, due to conversations with the Attorney General's Office (AGO) about the most effective language. Because the VTSOS is charged with promoting transparency, while the AGO is charged with enforcement, collaboration on language is critical.

Section 18: *Audit of Voter Checklists and District Boundaries*

This section requires clerks and BCA in municipalities with multiple legislative districts to audit their voter checklists to ensure the checklists correspond with the prescribed district boundaries. It requires VTSOS to notify the relevant clerks and BCA of their responsibility and to provide training and support. It requires each town clerk to provide VTSOS with a written summary of their audit, and it requires the VTSOS to submit a written report to the Legislature. The report is due November 15, 2025.

Section 19: *Prohibiting Appointment of Interested Parties to a Recount Committee*

17 V.S.A. § 2602a

In advance of a recount, each candidate is directed to provide a list of at least ten individuals to serve on the recount committee. This change clarifies that the individuals named must be "disinterested," meaning they cannot be a relative of or a subordinate to the candidates, and they cannot share direct pecuniary interest.

Sections 20 and 21: *Voter Fraud*

17 V.S.A. § 1971, 17 V.S.A. § 1973

Section 20 strengthens and clarifies language in 17 V.S.A. § 1971 that prohibits someone voting more than once in the same election, whether it be more than once in Vermont, or for the same office in both Vermont and in another state.

Section 21 then repeals the previous language prohibiting voting in more than one place. The amended language to 17 V.S.A. § 1971 makes 17 V.S.A. § 1973 redundant.

Section 22: *Campaign Finance and Public Question Campaigns*

17 V.S.A. § 2103

In conjunction with the changes made in Section 15-17, this section supports the alignment of the definition of campaign and suggests further aligning the language to mimic the definition of 17 V.S.A. § 2901 of a political committee which includes "individuals or a corporation, labor organization, public interest group, or other entity, not including a political party" instead of "persons."

Section 23: Review Period to Examine Petitions

17 V.S.A. § 2358

When petitions are filed, the receiving officer must examine them and determine whether they contain a sufficient number of legible signatures. This proposal changes the review period from 72 hours to two business days. The current timeline presents a crunch for officers when petitions are filed on Thursday or Friday and thus due Sunday or Monday respectively. On the other hand, the change will generally improve the experience for filers, as filings made between Monday and Wednesday will receive a faster turnaround.

Section 24: Contact Information in Certificate of Organization for State Committee of Party

17 V.S.A. § 2313

Within 10 days after the first meeting of the State committee of a party, the chair and secretary of the party are required to file a certificate to VTSOS stating that the party has completed its organization for the ensuing two years. This section proposes adding the names and contact information of the town and county committee members in a format specified by VTSOS. In the age of electronic communication, it makes sense to allow VTSOS to direct members to provide a more preferred and accessible contact, such as a phone number or an email address.

Section 25: Nomination of JPs Deadline

17 V.S.A. § 2413

This section moves the justice of the peace nomination deadline for town party members from post-primary to the third Monday in July. The committee or caucus will then have one week – until 5pm on the fourth Monday in July - to file the required statement with the municipal clerk.

Clerks face a heavy workload immediately after the August primary and VTSOS faces a tight turnaround to print and mail ballots for the general election. This change will better distribute clerks' workload and reduce the chance of errors and risks to the universal general election mailing schedule.

This is the third area that VTSOS thinks could benefit from refinement in the Senate, specifically that the independent justice of the peace deadline in 17 V.S.A. § 2402 should be aligned with the party deadline in 17 V.S.A. § 2413.

17 V.S.A. § 2402 (b)(1)(B)

“in the case of nomination for justice of the peace, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the ~~third day following the~~ third Monday in July before each primary election;”

Section 26: Post Election Audit

17 V.S.A. § 2493

This section aligns statute with how audits have been conducted after general elections. VTSOS will produce a policy detailing how random selection is used to ensure all jurisdictions have risk of audit, while also ensuring diversity of size and geographic distribution.

Section 27: *Opening Ballots*

17 V.S.A. § 2546

This section allows town clerks and BCA to open ballots beginning 45 days before election day. The “30 days” that had been in statute seems to have been an oversight in the past, when UOCAVA required ballots to be mailed 45 days in advance. By updating to 45 days to align with UOCAVA and universal vote-by-mail ballots, this change will eliminate confusion by clerks on what to do in the 45-31 day out window. It also ensures that voters will be able to promptly see their returned ballot status on the VTSOS My Voter Page and that voters with defective ballots will have ample time to cure their ballots and ensure their vote is counted.

Section 28: *Review Period to Examine Petitions*

17 V.S.A. § 2358

In alignment with Section 23, this section changes the petition review period from 72 hours to two business days. As previously noted, this change alleviates the weekend crunch for reviewing officers while ensuring that filings made between Monday and Wednesday receive a faster turnaround than under current law.

Section 29: *OML and Annual Meeting*

1 V.S.A. §310

This section expressly exempts annual meeting from Open Meeting Law. This change more explicitly aligns statute with how VTSOS and VLCT have traditionally interpreted annual meetings as distinct from public meetings subject to Open Meetings Law. Per 17 V.S.A. § 2640, annual meetings are meetings of the legal voters in each town, which is distinct from both the State and local “nonadvisory” and “advisory” public bodies to which OML applies.

Sections 30, 31, 32, 33, 34, 35, and 36: *Provisions related to local government, including Cannabis Establishment Vote, Annual Meeting, Withdrawal of Petitioned Articles, and Local Officials*

Our office generally doesn’t have a position on these sections, seeing them largely as municipal domain, statutory clean up, and/or policy decisions for the legislature.

We do, however, want to call your attention to two provisions, to make sure you are achieving your legislative intent.

First, we are concerned the changes in 17 V.S.A. §2681(a) would shorten by a week the window clerks have to receive petitions for municipal officers and prepare ballots. Given the burden on clerks, and the general movement statewide and nationally to allow more time for early voting, this change seemed to be moving in the wrong direction.

Second, we feel the language in Section 31 pertaining to 17 V.S.A §§ 2651d, 2651e, and 2651f should be clearer regarding whether the legislative intent is just for the terms of the stated municipal offices to be set at one year *or* if the intent is also to preclude local legislative bodies from removing these appointed officials within the one-year term.

Ordinarily the power to appoint implies the power to remove, subject to any qualifying language in statute or contract that puts limits on this power or requires specific process. On its own, the new language could be read as expanding the selectboard's removal power over these appointed officials, generally allowing removal at will, notwithstanding the generally applicable one-year term.

However, given the specific language being repealed and added and its location, the new language might also be read as prohibiting local legislative bodies from removing these officials within the one-year appointed term.

Again, VTSOS doesn't have a policy position on this section. We just ask that the legislative intent be more explicit.

Section 37: *Effective date*

VTSOS supports making these laws effective on passage.

In Summary

In sum, VTSOS supports this bill which will reduce administrative burden and improve service, promote transparency and accountability, align statutes, and take steps toward increasing voter access and deliberative democracy.

In our testimony today, we identified three areas that need finetuning: sections related to write-in registrations, campaign finance, and justice of the peace deadlines. Since the bill's passage, we also heard of three additional election-related topics that this committee could consider – Rep. Donahue's suggestions for adjustments to the definition of domicile, alignment of automatic voter registration language, and clarification of legislative intent for ballot alphabetization.

We look forward to discussing any or all of these topics with this committee at a time that would be most convenient for you.