



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

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May 8, 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 address amendments to H.474.

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.

A few remaining issues:

- VTSOS understands there are two scenarios where a very late entrant could receive a competitive number of votes: 1) if a named candidate dies in the final days prior to an election, and 2) if there is no named candidates in a race. While even these scenarios may be unlikely to produce a final-weekend-entrant winner in an era where most voters vote early, VTSOS would support the addition of these two scenarios as triggers to count and report all write-ins in a particular race.
 - Death of a candidate:
 - Michigan Comp. Laws Sec. 168.737a includes language that could serve as a model:
"If a candidate whose name is printed on the official ballot for the election dies or is otherwise disqualified after 4 p.m. on the second Friday immediately before the election, the requirement of filing a declaration of intent to be a write-in candidate under subsection (1) does not apply to a write-in candidate. If a death or disqualification has occurred as described in this subsection, the board of

election inspectors shall count all write-in votes for write-in candidates for the office sought by the deceased or disqualified candidate.”

- No named candidate in the race: VTSOS supports counting and reporting all write-ins, including unregistered write-ins, in the event of a race with no named candidates.
- One confusing aspect is the “notwithstanding” language on page 5 line 18, page 7 line 3, and p10 line 3 of v3. We are unclear of how to provide operational guidance to clerks in light of other statutory guidance for counting and reporting write-ins. We believe that, especially with the addition of the two triggers addressed above, the “notwithstanding” language is not necessary and should be removed.
- The write-in registration provisions do not apply to elections for local offices. Therefore, the addition of “registered write-in” to p8 line 16 should be removed, because that line refers to justices of the peace (a local office).
- Per 17 V.S.A. § 2361, 17 V.S.A. § 2385, and 17 V.S.A. § 2402, named primary candidates, party-nominated candidates, and independent general election candidates need to submit a consent form to VTSOS or a district clerk, depending on the office, in order to be printed on the ballot. Per Section 13 of this bill, this consent form also obligates the candidate to register with the VTSOS campaign finance system.
 - A primary-winning write-in candidate should also have to consent to being printed on the general election ballot and should register in the campaign finance system, just like every other county, statewide, and legislative candidate named on the ballot.
 - In the interest of allowing for late-decision-making by prospective candidates, Sections 9-12 of this bill have been amended to allow a write-in candidate’s request to be counted and reported– and to express their willingness to appear on the general election ballot and then serve if elected – to be made electronically up until the Thursday before the election.
 - To maintain consistent documentation across all types of candidates for county, statewide, and legislative office, we request the addition of a requirement that the candidate follow up their electronic request by delivering a physical consent form to VTSOS or district clerk, depending on office, within 48 hours after the election.

Section 13: 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. A last-minute change in the House moved the requirement to provide bank account information to be contingent on accepting or expending funds, a change VTSOS supported. However, in the process of drafting the change, the requirement to provide a treasurer’s name was pulled to the contingency section, rather than included in the main section. VTSOS requests that this be rectified as follows:

17 V.S.A. § 2921

(a)(1) Each candidate who ~~has made expenditures or accepted contributions of \$500.00 or more in an election cycle~~ files a consent to the printing of the candidate’s name on the ballot, as

provided in section 2361, 2385 or 2402 of this title, shall register with the Secretary of State within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under 15 this chapter, whichever occurs first, prior to filing the consent stating his or her the candidate's full name and address; and the office the candidate is seeking, and the name and address of the candidate's designated treasurer. A candidate's treasurer may be the candidate or the candidate's spouse. A candidate's consent, filed in accordance with section 2361, 2385 or 2402 of this title, shall state the candidate's name the same as it appears on this registration.

(2) Each candidate who accepts or expends any campaign funds shall file with the Secretary of State at the time of expending the funds the name and address of the bank in which the candidate maintains his or her the campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or the candidate's spouse.

Sections 15-17: Campaign Finance

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

VTSOS submitted new language on April 22 after consultation with AGO. VTSOS and AGO agree this language is improved in terms of both plain language and in providing a clearer path for filers than the version that passed the House. Like the version that passed the House, this language is an improvement over current law. Current law allows inconsistencies in campaign finance reporting requirements with some entities not having to list a treasurer or report contributions. These changes will provide greater consistency in requirements for campaigns and improve public transparency. They will compel self-funded campaigns to certify that they are self-funded, and if they are not, direct them to file as a PAC.

Section 37: Automatic Voter Registration

VTSOS recommended, after consultation with DMV, specifying "E911" for the physical address in order to emphasize the importance of a standardized address format and bolster the accuracy of addresses coming through the automatic voter registration process from DMV to voter checklists.

The Vermont Enhanced 911 Board played an important role in assisting clerks and BCA during the decennial redistricting process. E911's standardized addresses are designed to be reliable and efficient, and because every Vermont domicile has one, if we direct voters to register with their E-911 address, clerks can best assure the voters are assigned to the proper districts.

Section 38 and 39: Listing of Candidate Names on Ballot and Consent of Candidate

VTSOS supports the amendments in these sections, particularly the requirement that a candidate's name shall appear the same as it does on the candidate's campaign finance registration with VTSOS.

Other: *Independent Candidate Petitions for Justice of the Peace*

VT SOS submitted testimony on April 9 supporting the changes, in Section 25 of this bill, to the party nomination deadline for justice of the peace candidates in 17 V.S.A. § 2413. In that testimony, we recommended that this bill also move the independent justice of the peace deadline in 17 V.S.A. § 2402, so that it remains 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;”