

S.298

An act relating to creating the Vermont Voting Rights Act

It is hereby enacted by the General Assembly of the State of Vermont:

* * * Vermont Voting Rights Act * * *

Sec. 1. SHORT TITLE

This act may be cited as the “Vermont Voting Rights Act of 2026.”

Sec. 2. 17 V.S.A. chapter 59 is added to read:

CHAPTER 59. VERMONT VOTING RIGHTS ACT

Subchapter 1. Rights of Voters

§ 2801. DEFINITIONS

As used in this chapter:

(1) “Municipality” means a town, city, village, school district, or other political subdivision that holds public elections.

(2) “Protected class” means a group of citizens protected from discrimination based on race or color or membership in a language minority group.

§ 2802. VOTE DENIAL OR DILUTION

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by the State or any municipality in a manner that results in a denial or abridgement of the right of any citizen of the

1 United States to vote based on race or color or membership in a language
2 minority group.

3 (b) A violation of subsection (a) of this section is established if, on the
4 basis of the totality of circumstances, it is shown that the political processes
5 leading to nomination or election in the State or a municipality are not equally
6 open to participation by members of a protected class in that its members have
7 less opportunity than other members of the electorate to participate in the
8 political processes or to elect representatives of their choice. The extent to
9 which members of a protected class have been elected to office in the State or
10 municipality is one circumstance that may be considered.

11 (c) Nothing in this section shall be construed to establish a right to have
12 members of a protected class elected in numbers equal to their proportion in
13 the population.

14 § 2803. IMPAIRMENT OF VOTING RIGHTS OF REGISTERED VOTERS

15 Nothing in this chapter shall be construed to deny, impair, or otherwise
16 adversely affect the right to vote of any registered voter.

17 § 2804. CIVIL ACTIONS BY ATTORNEY GENERAL

18 (a) Whenever the Attorney General has reasonable cause to believe that a
19 violation of this subchapter has occurred and that the rights of any voter or
20 group of voters have been affected by such violation, the Attorney General

1 may initiate a civil action in the Civil Division of the Superior Court in the
2 county in which the alleged violation has occurred for appropriate relief.

3 (b) In such civil action, the court may:

4 (1) award such preventive relief, including a permanent or temporary
5 injunction, restraining order, or other order against the person responsible for a
6 violation of this title, as is necessary to ensure the full enjoyment of the rights
7 granted by this title;

8 (2) assess a civil penalty against the respondent of not more than
9 \$5,000.00 for a first violation and of not more than \$25,000.00 for any
10 subsequent violation; and

11 (3) issue an order requiring reimbursement to the State of Vermont for
12 the reasonable value of its services and its expenses in investigating and
13 prosecuting the action.

14 Sec. 3. 17 V.S.A. chapter 35 is amended to read:

15 CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS

16 Subchapter 1. Penalties Upon Officers

17 * * *

18 § 1934. INTERFERENCE WITH VOTING

19 (a) An election officer or a person acting under color of the law shall not
20 intentionally:

21 (1) refuse to permit or fail to permit a qualified voter to vote;

1 (b) A person who violates this section shall be imprisoned not more than
2 two years or fined not more than \$2,000.00, or both.

3 § 2023. INTIMIDATION OF VOTERS; CIVIL CAUSE OF ACTION

4 (a) A person shall not intentionally intimidate, threaten, or coerce, or
5 intentionally attempt to intimidate, threaten, or coerce:

6 (1) any other person in giving the person's vote or ballot; or

7 (2) a voter to deter or prevent the voter from voting.

8 (b) A person who violates this section shall be imprisoned not more than
9 two years or fined not more than \$2,000.00, or both.

10 (c) In addition to the criminal penalty provided in subsection (b) of this
11 section, such actions shall also create a private cause of action. A voter who is
12 intimidated, threatened, or coerced by another person in violation of subsection
13 (a) of this section shall be entitled to institute an action for injunctive relief,
14 including an application for a permanent or temporary injunction, restraining
15 order, or other order, against such person. The action shall be initiated in the
16 Civil Division of the Superior Court in the county in which the alleged
17 violation has occurred. A court may, in its discretion, allow a private plaintiff
18 a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing
19 party.

1 (d) This section applies to any election and to any method used by a
2 political party for selection of its nominees and for selection of delegates to its
3 conventions and meetings.

4 § 2024. COMMUNICATION OF FALSE INFORMATION TO
5 ELIGIBLE VOTERS

6 (a) A person shall not intentionally communicate to a registered voter false
7 information, knowing the information to be false, for the purpose of impeding
8 the voter in exercising the voter's right to vote. The provisions of this section
9 shall apply to information only about the date, time, or place of the election;
10 how to register to vote; or a voter's registration status.

11 (b) Any person who violates the provisions of subsection (a) of this section
12 shall be imprisoned not more than six months or fined not more than
13 \$1,000.00, or both. A violation may be prosecuted in the Superior Court in
14 either the county in which the alleged communication was made or in the
15 county in which the communication was received, if different.

16 (c) In addition to the criminal penalty provided in subsection (b) of this
17 section, a violation of the provisions of this section shall also create a private
18 cause of action. A registered voter to whom such false information is
19 communicated shall be entitled to institute an action for injunctive relief,
20 including an application for a permanent or temporary injunction, restraining
21 order, or other order, against the person communicating such false information.

1 The action shall be initiated in the Superior Court in either the county in which
2 the alleged communication was made or in the county in which the
3 communication was received, if different. The court may, in its discretion,
4 allow a private plaintiff a reasonable attorney's fee as part of the costs, if the
5 plaintiff is the prevailing party.

6 * * *

7 * * * Safety Protections for Candidates * * *

8 Sec. 4. 17 V.S.A. § 2901 is amended to read:

9 § 2901. DEFINITIONS

10 As used in this chapter:

11 * * *

12 (7) "Expenditure" means a payment, disbursement, distribution,
13 advance, deposit, loan, or gift of money or anything of value, paid or promised
14 to be paid, for the purpose of influencing an election, advocating a position on
15 a public question, or supporting or opposing one or more candidates.

16 (A) Expenditures may include those expenses that are necessary to
17 allow a candidate to campaign, such as expenses for the care of a dependent
18 family member that are incurred as a direct result of campaign activity or for
19 the provision of security for the candidate.

20 * * *

3 This act shall take effect on passage.