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H.474

Representatives, McCoy of Poultney, Toof of St. Albans Town, and Higley of Lowell move that the bill be amended as follows:

First: By striking out Sec. 2, 17 V.S.A. § 2381, in its entirety and inserting in lieu thereof a new Sec. 2 to read as follows:

Sec. 2. [Deleted.]

Second: By striking out Sec. 3, 17 V.S.A. § 2386, in its entirety and inserting in lieu thereof a new Sec. 3 to read as follows:

Sec. 3. [Deleted.]

Third: By striking out Sec. 9, 17 V.S.A. § 2370, in its entirety and inserting in lieu thereof a new Sec. 9 to read as follows:

Sec. 9. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) In order to have votes listed for a write-in candidate under subdivision 2587 of this title, not later than 7:00 p.m. on the day of the primary election, a write-in candidate for the General Assembly, any State office, or any federal office shall complete a form of the Secretary of State’s design affirming that the candidate wants to have received votes listed under subdivision 2587(e)(3) of this title. The candidate shall file the form with either all town clerks within the candidate’s applicable district or the Secretary of State’s Office in an electronic manner approved by the Secretary. The Secretary of State shall

1 notify the appropriate town clerks of any filings made in accordance with this
2 subsection as soon as practicable.

3 (b) A write-in candidate shall not qualify as a primary winner unless ~~he or~~
4 ~~she~~ the candidate receives ~~at least one-half~~ the same number of votes as the
5 number of signatures required for ~~his or her~~ the candidate's office on a primary
6 petition, except that if a write-in candidate receives more votes than a
7 candidate whose name is printed on the ballot, ~~he or she may~~ the write-in
8 candidate shall qualify as a primary winner. Notwithstanding the provisions of
9 subsection (a) of this section, a candidate who has not filed in accordance with
10 subsection (a) shall qualify as a primary winner if the candidate otherwise
11 complies with the provisions of this subsection.

12 ~~(b)~~(c) The write-in candidate who qualifies as a primary winner under this
13 section must still be determined a winner under section 2369 of this chapter
14 before ~~he or she~~ the candidate becomes the party's candidate in the general
15 election.

16 Fourth: By striking out Sec. 10, 17 V.S.A. § 2472, in its entirety and
17 inserting in lieu thereof a new Sec. 10 to read as follows:

18 Sec. 10. 17 V.S.A. § 2472 is amended to read:

19 § 2472. CONTENTS

20 * * *

1 (b)(1) Each office to be voted upon shall be separately indicated and
2 preceded by the word “For,” as: “For United States Senator.” Beneath the
3 office to be voted upon shall appear the instructions: “Vote for not more than
4 (the number of candidates to be elected).”

5 * * *

6 (5)(A) In order to have votes listed for a write-in candidate under
7 subdivision 2587 of this title, not later than 7:00 p.m. on the day of the primary
8 election, a write-in candidate for the General Assembly, any State office, or
9 any federal office shall complete a form of the Secretary of State’s design
10 affirming that the candidate wants to have received votes listed under
11 subdivision 2587(e)(3) of this title. The candidate shall file the form with
12 either all town clerks within the candidate’s applicable district or the Secretary
13 of State’s Office in an electronic manner approved by the Secretary. The
14 Secretary of State shall notify the appropriate town clerks of any filings made
15 in accordance with this subsection as soon as practicable.

16 (B) Notwithstanding the provisions of subdivision (A) of this
17 subdivision (5), a candidate who has not filed in accordance with subdivision
18 (A) shall qualify as the winner of an election if the candidate otherwise
19 complies with the provisions of this chapter.

20 * * *

1 Fifth: By striking out Sec. 11, 17 V.S.A. § 2587, in its entirety and
2 inserting in lieu thereof a new Sec. 11 to read as follows:

3 Sec. 11. 17 V.S.A. § 2587 is amended to read:

4 § 2587. RULES FOR COUNTING VOTES

5 * * *

6 (e)(1) In the case of “write-in” votes, the act of writing in the name of a
7 candidate, or pasting a label containing a candidate’s name upon the ballot,
8 without other indications of the voter’s intent, shall constitute a vote for that
9 candidate, even though the voter did not fill in the square or oval after the
10 name.

11 (2) A vote for a write-in candidate shall be counted as a write-in vote
12 that is without requisite filings unless the write-in candidate filed in accordance
13 with section 2370, 2472, or 2702 of this title. The clerk shall record the name
14 and vote totals of a write-in candidate who has complied with this section.

15 (3)(A) The election officials counting ballots and tallying results shall
16 list ~~every person who receives a “write-in” vote and the number of votes~~
17 ~~received~~ only the names and votes received of those write-in candidates who
18 filed in accordance with section 2370, 2472, or 2702 of this title. Any write-in
19 votes for candidates who have not filed in accordance with section 2370, 2472,
20 or 2702 of this title shall be listed as “other write-ins.”

1 ~~(A)~~(B) On each tally sheet, the counters shall add together the names of
2 candidates that are clearly the same person, even though a nickname or last
3 name is used.

4 ~~(B)~~(C) Names of ~~fictitious or deceased~~ persons who have not filed in
5 accordance with section 2370, 2472, or 2702 of this title shall not be listed
6 individually and shall be recorded on the tally sheet as a blank vote in
7 aggregate as “other write-ins.”

8 (f) When the same number of persons are nominated for the position of
9 justice of the peace as there are positions to be filled, the presiding officer may
10 declare the whole slate of candidates elected without making individual tallies,
11 providing each person on the slate has more votes than the largest number of
12 write-in votes for any one registered write-in candidate.

13 Sixth: By striking out Sec. 12, 17 V.S.A. § 2702, in its entirety and
14 inserting in lieu thereof a new Sec. 12 to read as follows:

15 Sec. 12. 17 V.S.A. § 2702 is amended to read:

16 § 2702. NOMINATING PETITION

17 (a) The name of any person shall be printed upon the primary ballot as a
18 candidate for nomination by any major political party if petitions signed by at
19 least 1,000 voters in accordance with sections 2353, 2354, and 2358 of this
20 title are filed with the Secretary of State, together with the written consent of
21 the person to the printing of the person’s name on the ballot.

1 (b) Petitions shall be filed not later than 5:00 p.m. on the 15th day of
2 December preceding the primary election.

3 (c) The petition shall be in a form prescribed by the Secretary of State.

4 (d) A person's name shall not be listed as a candidate on the primary ballot
5 of more than one party in the same election.

6 (e) Each petition shall be accompanied by a filing fee of \$2,000.00 to be
7 paid to the Secretary of State. However, if the petition of a candidate is
8 accompanied by the affidavit of the candidate, which shall be available for
9 public inspection, that the candidate and the candidate's campaign committee
10 are without sufficient funds to pay the filing fee, the Secretary of State shall
11 waive all but \$300.00 of the payment of the filing fee by that candidate.

12 (f)(1) In order to have votes listed for a write-in candidate under
13 subdivision 2587 of this title, not later than 7:00 p.m. on the day of the primary
14 election, a write-in candidate for the General Assembly, any State office, or
15 any federal office shall complete a form of the Secretary of State's design
16 affirming that the candidate wants to have received votes listed under
17 subdivision 2587(e)(3) of this title. The candidate shall file the form with
18 either all town clerks within the candidate's applicable district or the Secretary
19 of State's Office in an electronic manner approved by the Secretary. The
20 Secretary of State shall notify the appropriate town clerks of any filings made
21 in accordance with this subsection as soon as practicable.

1 (2) Notwithstanding the provisions of subdivision (1) of this subsection,
2 a candidate who has not filed in accordance with subdivision (1) shall qualify
3 as the winner of an election if the candidate otherwise complies with the
4 provisions of this chapter.

5 Seventh: By striking out Sec. 13, 17 V.S.A. § 2921, in its entirety and
6 inserting in lieu thereof a new Sec. 13 to read as follows:

7 Sec. 13. 17 V.S.A. § 2921 is amended to read:

8 § 2921. CANDIDATES; REGISTRATION; CHECKING ACCOUNT;
9 TREASURER

10 (a)(1) Each candidate who ~~has made expenditures or accepted contributions~~
11 ~~of \$500.00 or more in an election cycle~~ files a consent to the printing of the
12 candidate's name on the ballot, as provided in section 2361 of this title, shall
13 register with the Secretary of State ~~within 10 days of reaching the \$500.00~~
14 ~~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~~
16 the candidate's full name and address; and the office the candidate is seeking;

17 (2) Each candidate who accepts or expends any campaign funds shall
18 file with the Secretary of State at the time of expending the funds the name and
19 address of the bank in which the candidate maintains ~~his or her~~ the campaign
20 checking account; and the name and address of the treasurer responsible for

1 maintaining the checking account. A candidate’s treasurer may be the
2 candidate or ~~his or her~~ the candidate’s spouse.

3 * * *

4 Eighth: By striking out Sec. 14, 17 V.S.A. § 2964, in its entirety and
5 inserting in lieu thereof a new Sec. 14 to read as follows:

6 Sec. 14. 17 V.S.A. § 2964 is amended to read:

7 § 2964. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE,
8 THE GENERAL ASSEMBLY, AND COUNTY OFFICE;
9 POLITICAL COMMITTEES; POLITICAL PARTIES

10 (a)(1) Each candidate for State office, the General Assembly, or a two-
11 year-term county office who ~~has rolled over any amount of surplus into his or~~
12 ~~her new campaign or who~~ has made expenditures ~~or accepted contributions of~~
13 ~~\$500.00 or more during the two year general election cycle and, except as~~
14 ~~provided in subsection (b) of this section, each political committee that has not~~
15 ~~filed a final report pursuant to subsection 2965(b) of this chapter, and each~~
16 political party required to register under section 2923 of this chapter shall file
17 with the Secretary of State campaign finance reports as follows:

18 * * *

19 (2) Each candidate for a four-year-term county office ~~who has rolled~~
20 ~~over any amount of surplus into his or her new campaign or who~~ has made
21 expenditures ~~or accepted contributions of \$500.00 or more during the four year~~

1 ~~general election cycle~~ shall file with the Secretary of State campaign finance
2 reports as follows:

3 * * *