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H.149

Introduced by Representatives Brennan of Colchester, Austin of Colchester,  
Chase of Colchester, and Taylor of Colchester

Referred to Committee on

Date:

Subject: Elections; conduct of elections; count and return of votes; write-in  
candidates; consent of candidate

Statement of purpose of bill as introduced: This bill proposes to require write-  
in candidates to file consent of candidate forms with the Secretary of State not  
later than 5:00 p.m. on the second Friday preceding the primary and general  
elections.

An act relating to write-in candidate consent of candidate filings in State  
elections

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

Sec. 1. 17 V.S.A. § 2370 is amended to read:

§ 2370. WRITE-IN CANDIDATES

(a) In order to have votes counted for a write-in candidate under section  
2587 of this title, not later than 5:00 p.m. on the second Friday preceding the  
primary election, a write-in candidate shall file with the Secretary of State for  
federal and State elections, or with the municipal clerk for local elections, a

1 form consenting to candidacy for office as set forth in subsection 2361(b) of  
2 this title.

3 (b) A write-in candidate shall not qualify as a primary winner unless ~~he or~~  
4 ~~she~~ the candidate:

5 (1) has complied with subsection (a) of this section; and

6 (2) receives at least one-half the number of votes as the number of  
7 signatures required for ~~his or her~~ the candidate's office on a primary petition,  
8 except that if a write-in candidate receives more votes than a candidate whose  
9 name is printed on the ballot, ~~he or she~~ the candidate may qualify as a primary  
10 winner.

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

15 Sec. 2. 17 V.S.A. § 2587 is amended to read:

16 § 2587. RULES FOR COUNTING VOTES

17 \* \* \*

18 (e)(1) ~~In~~ Except as provided in this subsection, in the case of "write-in"  
19 votes, the act of writing in the name of a candidate, or pasting a label  
20 containing a candidate's name upon the ballot, without other indications of the

1 voter's intent, shall constitute a vote for that candidate, even though the voter  
2 did not fill in the square or oval after the name.

3 (2)(A) A vote for a write-in candidate shall be counted as blank unless  
4 the write-in candidate filed with the Secretary of State for federal and State  
5 elections, or with the municipal clerk for local elections, not later than 5:00  
6 p.m. on the second Friday preceding the general election a form consenting to  
7 candidacy for that office. The consent form shall set forth the name of the  
8 candidate, the name of the office for which the candidate consents to be a  
9 candidate, the candidate's town of residence, and the candidate's correct  
10 mailing address.

11 (B) The Secretary of State shall prepare and furnish forms for this  
12 purpose.

13 (3) The election officials counting ballots and tallying results shall only  
14 list every person who receives a "write-in" vote and the number of votes  
15 received those write-in candidates who consented to candidacy for the office  
16 pursuant to section 2370 of this title for primary elections or pursuant to  
17 subdivision (2) of this subsection for general elections, and shall indicate the  
18 number of votes received.

19 \* \* \*

20 Sec. 3. EFFECTIVE DATE

21 This act shall take effect on July 1, 2023.