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H.336

Introduced by Representatives Savage of Swanton, Hubert of Milton, McNeil
of Rutland Town and Shaw of Pittsford

Referred to Committee on

Date:

Subject: Elections; conduct of elections; qualification of candidates; vote
tabulators

Statement of purpose: This bill proposes to impose requirements for the
qualification of candidates and require the use of vote tabulators for certain
municipalities.

An act relating to qualification of candidates and vote tabulators

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

Sec. 1. 17 V.S.A. § 2414 is added to read:

§ 2414. DECLARATION OF WRITE-IN CANDIDACY

(a) At least 48 hours prior to an election, any person who desires to be a
write-in candidate for any office shall sign and file a completed declaration of
write-in candidacy form in the office where a nominating petition for that
office would have been filed. The secretary of state shall prepare the form
which shall require substantially the same information as required for a
candidate consent form and which shall contain the statement: "I am declaring

1 that I am a candidate for the office of _____ in the district
2 of _____.”

3 (b) If a declaration of write-in candidacy form is properly submitted to a
4 county clerk or the secretary of state, the county clerk or secretary of state shall
5 notify all of the relevant town clerks by 12:00 noon on the day preceding the
6 election that the candidate who filed the form is a legitimate write-in candidate.

7 Sec. 2. 17 V.S.A. § 2491 is amended to read:

8 § 2491. POLITICAL ~~SUBDIVISION MAY USE~~ SUBDIVISIONS; VOTING
9 MACHINES

10 (a) Except as provided in subsection (b) of this section, a town that has
11 more than 500 registered voters shall use a vote tabulator for any contested
12 election for office.

13 (b) In the case of a local election where there are no more than five
14 contested races on a single ballot, a vote tabulator shall not be required to be
15 used, except at the discretion of the town clerk.

16 (c) A town with fewer than 500 registered voters may vote at any annual or
17 special meeting to ~~employ electronic devices (“voting machines”)~~ use voting
18 machines for the registering and counting of votes in subsequent elections.

19 Voting machines may be used in combination with the paper ballots described
20 in the preceding subchapter, so that each voter may choose whether to use a
21 paper ballot or a voting machine to cast his or her vote, if the town so votes.

1 Sec. 3. 17 V.S.A. § 2415 is added to read:

2 § 2415. PROOF OF CITIZENSHIP

3 Any person who is nominated pursuant to this chapter shall submit, along
4 with the nomination, the following document to the officer with whom the
5 nomination has been filed:

6 (1) a certified copy of the person's birth certificate, if the person was
7 born in the United States; or

8 (2) a certified copy of the person's certificate of naturalization, if the
9 person was not born in the United States.

10 Sec. 4. 17 V.S.A. § 2587(e) is amended to read:

11 (e) In the case of "write-in" votes, the act of writing in the name of a
12 candidate, or pasting a label containing a candidate's name upon the ballot,
13 without other indications of the voter's intent, shall constitute a vote for that
14 candidate, even though no cross is placed after ~~such~~ that name. The election
15 officials counting ballots and tallying results ~~must list every person who~~
16 ~~receives a "write in" vote and the number of votes received~~ shall list the name
17 of each write-in candidate who has timely filed a declaration of candidacy
18 pursuant to section 2414 of this title and record the number of votes received.
19 For a write-in candidate who has not filed a declaration of candidacy or who is
20 a fictitious person, the vote shall be tallied for no specific candidate as a
21 scattered write-in candidate. On each tally sheet, the counters shall add

1 together the names of candidates that are clearly the same person, even though
2 a nickname or last name is used. Names of fictitious persons shall not be
3 listed.

4 Sec. 5. 17 V.S.A. § 2680(h) is added to read:

5 (h) In a municipal election, only those write-in candidates who have timely
6 filed a declaration of candidacy pursuant to section 2681b of this chapter shall
7 be considered a legitimate write-in candidate. For a write-in candidate who
8 has not filed a declaration of candidacy or who is a fictitious person, the vote
9 shall be tallied for no specific candidate as a scattered write-in candidate.

10 Sec. 6. 17 V.S.A. § 2681b is added to read:

11 § 2681b. DECLARATION OF WRITE-IN CANDIDACY

12 At least 48 hours prior to an election, any person who decides to be a
13 write-in candidate for any office shall sign and file a completed declaration of
14 write-in candidacy form in the office where a nominating petition for that
15 office would have been filed. The town clerk shall prepare the form which
16 shall require substantially the same information as required for a candidate
17 consent form and which shall contain the statement: “I am declaring that I am
18 a candidate for the office of _____ in the district of _____.”

1 Sec. 7. 17 V.S.A. § 2681c is added to read:

2 § 2681c. PROOF OF CITIZENSHIP

3 Any person who is nominated pursuant to this chapter shall submit, along
4 with the candidate consent form, the following document to the town:

5 (1) a certified copy of the person's birth certificate, if the person was
6 born in the United States; or

7 (2) a certified copy of the person's certificate of naturalization, if the
8 person was not born in the United States.

9 Sec. 8. EFFECTIVE DATE

10 This act shall take effect on passage.