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H.429

Introduced by Committee on Government Operations and Military Affairs

Date:

Subject: Elections; miscellaneous changes

Statement of purpose of bill as introduced: This bill proposes to prohibit losing primary candidates from running in the general election, permit political parties to accept not more than \$100,000.00 in contributions from candidates, require the reporting of town and county committee members after the biennial reorganization of the State committee of a party, set the order of nominee parties printed on ballots, permit candidates to file demographic information, require write-in candidates to meet a minimum threshold to win primary elections, and to enable electronic ballot returns to be made via online portal.

13 An act relating to miscellaneous changes to election laws

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

15 * * * Sore Loser Law * * *

16 Sec. 1. 17 V.S.A. § 2381(c) is added to read:

17 (c) In no event shall a candidate who loses a major party primary be
18 nominated to appear on the general election ballot pursuant to this subchapter

1 by a committee of any party other than the party for which the candidate
2 appeared on the primary ballot.

3 Sec. 2. 17 V.S.A. § 2401 is amended to read:

4 § 2401. APPLICABILITY OF SUBCHAPTER

5 (a) A person may be nominated and have ~~his or her~~ the person's name
6 printed on the general election ballot for any office by filing a consent similar
7 in form to the consent prescribed by section 2361 of this title and a statement
8 of nomination with the Secretary of State. In the case of a nomination for
9 justice of the peace, the consent form and statement of nomination shall be
10 filed with the town clerk.

11 (b) A candidate who loses a major party primary for any office shall not
12 appear on the general election ballot as an independent candidate for the same
13 office for which the candidate lost in the primary election.

14 * * * Campaign Finance Limits for Statewide Candidates * * *

15 Sec. 3. 17 V.S.A. § 2941(a) is amended to read:

16 (a) In any election cycle:

17 * * *

18 (5)~~(A)~~ A political party shall not accept contributions totaling more
19 than:

20 ~~(A)~~(i) \$10,000.00 from a single source;

21 ~~(B)~~(ii) \$10,000.00 from a political committee; or

1 ~~be a candidate. The nominee shall notify in writing the Secretary of State or~~
2 ~~town clerk, as the case may be, of such choice by that deadline, and only the~~
3 ~~party or parties that the nominee so elects shall be printed next to the~~
4 ~~nominee's name on the ballot.~~

5 ~~(2) If the nominee does not notify the Secretary of State or the town~~
6 ~~clerk of his or her choice of party~~ a nominee is nominated by more than one
7 party, the Secretary of State shall print on the ballot those parties next to the
8 nominee's name by listing in this order:

9 ~~(A)~~(1) the major political party for which the nominee had ~~his or her~~
10 the nominee's name printed on the ballot in the primary;

11 ~~(2)~~ any major political parties for which the nominee won the
12 nomination by write-in vote;

13 ~~(B)~~(3) any major political parties that nominated the nominee by the
14 party committee, in the order in which the nominations were submitted to the
15 Secretary of State; and

16 ~~(C)~~ ~~any major political parties for which the nominee received write-~~
17 ~~in votes, in an order from highest to lowest vote counts; and~~

18 ~~(D)~~(4) any minor political parties that nominated the nominee by
19 party committee, in the order in which the nominations were submitted to the
20 Secretary of State.

1 (b)(1) A candidate for State office who is the nominee of two or more
2 political parties shall file with the Secretary of State, not later than 5:00 p.m.
3 the ~~tenth~~ 10th day following the primary election, a statement designating for
4 which party the votes cast for ~~him or her~~ the candidate shall be counted for the
5 purposes of determining whether ~~his or her~~ the candidate's designated party
6 shall be a major political party. ~~The party so designated shall be the first party~~
7 ~~to be printed immediately after the candidate's name on the ballot.~~

8 ~~(2) If a candidate does not file the statement by that deadline, the~~
9 ~~Secretary of State shall designate the party for which the votes cast shall be~~
10 ~~counted as provided in subdivision (a)(2) of this section.~~

11 * * * Candidate Demographic Information * * *

12 Sec. 6. 17 V.S.A. § 2359 is amended to read:

13 § 2359. NOTIFICATION TO SECRETARY OF STATE

14 (a) Within three days after the last day for filing petitions, all town and
15 county clerks who have received petitions shall ~~notify~~ file with the Secretary of
16 State ~~of the names of all candidates;~~ a list containing the name, gender, age,
17 race or ethnicity, mailing address, and e-mail address of all candidates, to the
18 extent this information is provided by candidates; the offices for which ~~they~~
19 the candidates have filed; and whether each candidate has submitted a
20 sufficient number of valid signatures to comply with the requirements of
21 section 2355 of this title. Town and county clerks shall also notify the

1 Secretary of State of any petitions found not to conform to the requirements of
2 this chapter and returned to a candidate under section 2358 of this title; and
3 shall notify the Secretary of State of the status of such ~~petition~~ petitions not
4 later than two days after the last day for filing supplementary petitions.

5 (b) In any listing of candidate information collected pursuant to subsection
6 (a) of this section, the Secretary of State shall not publish information
7 pertaining to candidates' gender, age, or race or ethnicity unless in aggregate
8 form.

9 Sec. 7. 17 V.S.A. § 2361(b) is amended to read:

10 (b)(1) The consent shall set forth the ~~name of the candidate,~~ candidate's
11 name as the candidate wishes to have it printed on the ballot, the candidate's
12 gender, age, or race or ethnicity, town of residence, ~~and~~ correct mailing
13 address, and e-mail address. A candidate who does not provide information
14 pertaining to gender, age, or race or ethnicity may still appear on the ballot if
15 all other requirements are met.

16 * * *

17 Sec. 8. 17 V.S.A. § 2665 is amended to read:

18 § 2665. NOTIFICATION TO SECRETARY OF STATE

19 The town clerk shall file with the Secretary of State a list ~~of the names and~~
20 ~~addresses of the selectboard members elected and~~ containing the name, gender,
21 age, race or ethnicity, street address, and e-mail address, to the extent the

1 information is provided by the candidate, and the end date of the term of office
2 of each selectboard member, city councilor, village trustee, and mayor elected.
3 The town clerk shall not be required to ask the candidate for information
4 pertaining to gender, age, or race or ethnicity if this information is not provided
5 to the town clerk. The town clerk shall notify the Secretary of State of any
6 changes in the list as filed.

7 * * * Write-In Candidate Minimum Thresholds in Primary Elections * * *

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

9 § 2370. WRITE-IN CANDIDATES

10 (a) A write-in candidate shall not qualify as a primary winner unless ~~he or~~
11 ~~she~~ the candidate receives ~~at least one-half~~ the higher of:

12 (1) 10 percent of the votes cast by a party plus one additional vote; or

13 (2) the same number of votes as the number of signatures required for
14 ~~his or her~~ the candidate's office on a primary petition, except that if a write-in
15 candidate receives more votes than a candidate whose name is printed on the
16 ballot, ~~he or she may~~ the write-in candidate shall qualify as a primary winner.

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

1 deliver the ballots shall witness the mark or oath and sign their names with a
2 statement attesting to this fact on the envelope.

3 Sec. 11. 17 V.S.A. § 2543 is amended to read:

4 § 2543. RETURN OF BALLOTS

5 * * *

6 (d)(1) All early voter absentee ballots returned as follows shall be counted:

7 (A) by any means, to the town clerk's office before the close of
8 business on the day preceding the election;

9 (B) to any secure ballot drop box provided by the town or city in
10 which the voter is registered pursuant to section 2543a of this subchapter
11 before the close of business on the day before the election;

12 (C) by mail to the town clerk's office before the close of the polls on
13 the day of the election; and

14 (D) by hand delivery to the presiding officer at the voter's polling
15 place before the closing of the polls at 7:00 p.m.

16 (2)(A) All ballots electronically delivered pursuant to subsection
17 2539(b) or (c) of this title and returned as follows shall be counted:

18 (i) by means of a secure online portal developed and maintained
19 by the Secretary of State, directly to the clerk before the close of business on
20 the last day the clerk's office is open prior to the election; and

