

1 H.429

2 Introduced by Committee on Government Operations and Military Affairs

3 Date:

4 Subject: Elections; miscellaneous changes

5 Statement of purpose of bill as introduced: This bill proposes to prohibit  
6 losing primary candidates from running in the general election, permit political  
7 parties to accept not more than \$100,000.00 in contributions from candidates,  
8 require the reporting of town and county committee members after the biennial  
9 reorganization of the State committee of a party, set the order of nominee  
10 parties printed on ballots, permit candidates to file demographic information,  
11 require write-in candidates to meet a minimum threshold to win primary  
12 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 ~~(C)(iii) \$60,000.00 from a political party~~  
2 (B) A political party shall not accept contributions totaling more than  
3 \$100,000.00 from a candidate.  
4 ~~\*\*\*~~

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

*§ 2941. LIMITATIONS OF CONTRIBUTIONS*

*(a) In any election cycle:*

*\*\*\**

*(5)(A) A political party shall not accept contributions totaling more than:*

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

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

*(C)(iii) \$60,000.00 from a political party.*

*(B) Notwithstanding subdivision (A) of this subdivision (5), a political party may accept not more than \$60,000.00 from a candidate for State office.*

*\*\*\**

5 *\*\*\* Biennial Committee Reorganization Reporting \*\*\**

6 Sec. 4. 17 V.S.A. § 2313 is amended to read:

7 § 2313. FILING OF CERTIFICATE OF ORGANIZATION

8 *\*\*\**

1 (f) At the same time of filing the certificate of organization, the chair and  
2 secretary shall file with the Secretary of State a single machine-readable  
3 electronic document containing a list of the names and addresses of the town  
4 and county committee members from those towns and counties that have  
5 organized pursuant to this chapter.

6 (g) A committee is not considered organized until the material required by  
7 this section has been filed and accepted.

8 \* \* \* Nominee Parties Printed on Ballots \* \* \*

9 Sec. 5-17 V.S.A. § 2474 is amended to read:

10 § 2474. CHOICE OF PARTY

11 ~~(a)(1) A person nominated by any means for the same office by more than~~  
12 ~~one political party may elect, not later than 5:00 p.m. on the tenth day~~  
13 ~~following the primary election, the party or parties in which the nominee will~~  
14 ~~be a candidate. The nominee shall notify in writing the Secretary of State or~~  
15 ~~town clerk, as the case may be, of such choice by that deadline, and only the~~  
16 ~~party or parties that the nominee so elects shall be printed next to the~~  
17 ~~nominee's name on the ballot.~~

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

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

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

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

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

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

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

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

*Sec. 5. [Deleted.]*

4 \* \* \* Candidate Demographic Information \* \* \*

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

6 § 2359. NOTIFICATION TO SECRETARY OF STATE

7 (a) Within three days after the last day for filing petitions, all town and  
8 county clerks who have received petitions shall ~~notify~~ file with the Secretary  
9 of State ~~of the names of all candidates,~~ a list containing the name, gender, age,  
10 race or ethnicity, mailing address, and e-mail address of all candidates, to the  
11 extent this information is provided by candidates; the offices for which ~~they~~  
12 the candidates have filed; and whether each candidate has submitted a  
13 sufficient number of valid signatures to comply with the requirements of  
14 section 2355 of this title. Town and county clerks shall also notify the  
15 Secretary of State of any petitions found not to conform to the requirements of  
16 this chapter and returned to a candidate under section 2358 of this title; and  
17 shall notify the Secretary of State of the status of such ~~petition~~ petitions not  
18 later than two days after the last day for filing supplementary petitions.

19 (b) In any listing of candidate information collected pursuant to subsection  
20 (a) of this section, the Secretary of State shall not publish information

1 pertaining to candidates' gender, age, or race or ethnicity unless in aggregate  
2 form.

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

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

10 \* \* \*

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

12 § 2665. NOTIFICATION TO SECRETARY OF STATE

13 The town clerk shall file with the Secretary of State a list ~~of the names and~~  
14 ~~addresses of the selectboard members elected and~~ containing the name, gender,  
15 age, race or ethnicity, street address, and e-mail address, to the extent the  
16 information is provided by the candidate, and the end date of the term of office  
17 of each selectboard member, city councilor, village trustee, and mayor elected.

18 The town clerk shall not be required to ask the candidate for information  
19 pertaining to gender, age, or race or ethnicity if this information is not  
20 provided to the town clerk. The town clerk shall notify the Secretary of State  
21 of any changes in the list as filed.

1           \* \* \* Write-In Candidate Minimum Thresholds in Primary Elections \* \* \*

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

3           § 2370. WRITE-IN CANDIDATES

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

6                   (1) 10 percent of the votes cast by a party plus one additional vote; or

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

11           (b) 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                                   \* \* \* Electronic Ballot Returns \* \* \*

16           Sec. 10. 17 V.S.A. § 2542 is amended to read:

17           § 2542. SIGNING CERTIFICATE

18           (a) There shall be printed on the face of the envelope provided for use in  
19 returning early voter absentee ballots, or provided in an electronic format if a  
20 ballot is electronically delivered pursuant to subsection 2539(b) or (c) of this  
21 title, a certificate in substantially the following form:



1           “Early or Absentee Voter Ballots of \_\_\_\_\_”

2           (print your name)

3           I, \_\_\_\_\_, solemnly swear or affirm that I am a resident of the town  
4 (city) of \_\_\_\_\_, State of Vermont, and that I am a legal voter in this town  
5 (city).

6 \_\_\_\_\_

7 (your signature)

8           (b) The early or absentee voter, except a voter receiving a ballot  
9 electronically delivered pursuant to subsection 2539(b) or (c) of this title,  
10 must sign the certificate on the outside of the envelope in order for the ballot  
11 to be valid. When an early or absentee voter is physically unable to sign ~~his or~~  
12 ~~her~~ the voter's name, ~~he or she~~ the voter may mark an “X” or take an oath  
13 swearing or affirming to the statement on the certificate. The officers who  
14 deliver the ballots shall witness the mark or oath and sign their names with a  
15 statement attesting to this fact on the envelope.

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

17 § 2543. RETURN OF BALLOTS

18                                                           \* \* \*

19           (d)(1) All early voter absentee ballots returned as follows shall be counted:  
20                   (A) by any means, to the town clerk’s office before the close of  
21 business on the day preceding the election;

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

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

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

8 (2)(A) All ballots electronically delivered pursuant to subsection  
9 2539(b) or (c) of this title and returned as follows shall be counted:

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

13 (ii) with electronic signature on the certificate required pursuant to  
14 section 2542 of this title prior to submitting the ballot to the clerk.

15 (B) A ballot electronically delivered pursuant to subsection 2539(b)  
16 or (c) of this title and then returned pursuant to subdivision (A) of this  
17 subdivision (d)(2) shall be printed by the clerk and processed in the same  
18 manner as all other early or absentee ballots and in accordance with the  
19 procedures prescribed by this subchapter.

20 (C) The voter shall be notified when a ballot electronically delivered  
21 pursuant to subsection 2539(b) or (c) of this title and then returned pursuant to

1 subdivision (A) of this subdivision (d)(2) is received and printed by the clerk  
2 pursuant to subdivision (B) of this subdivision (d)(2).

3 (3) An early voter absentee ballot returned in a manner other than those  
4 set forth in subdivision (1) or (2)(A) of this subsection shall not be counted.

5 \* \* \*

6 \* \* \* Effective Date \* \* \*

7 Sec. 12. EFFECTIVE DATE

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