

No. 40. An act relating to miscellaneous election laws.

(S.121)

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

Sec. 1. 17 V.S.A. § 2454 is amended to read:

§ 2454. ASSISTANT ELECTION OFFICERS

(a) Prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each ~~voting district~~ municipality to serve as assistant election officers ~~in their respective polling places~~. As far as possible, the board shall attempt to appoint an equal number of persons from each major political party. Each assistant election officer shall be sworn prior to entering on the performance of his or her duties. An assistant town clerk may serve as an assistant elections officer, regardless of his or her residence.

(b) The board of civil authority may appoint residents of a ~~voting district~~ municipality who are 16 or 17 years old to serve as assistant elections officers in their respective polling places. Youth assistant elections officers shall have the same duties as adult assistant elections officers but shall work under the direct supervision of adult elections officials.

Sec. 2. 17 V.S.A. § 2588 is amended to read:

§ 2588. FILING RETURNS

(a) ~~As~~ In towns that count all ballots by hand, as the count of votes for each office or public question is completed, the presiding officer and at least one other election official shall collect the tally sheets, enter the totals shown on

the tally sheets upon the summary sheets, add and enter the sum of ~~such~~ the figures, and sign the summary sheets. As each summary sheet is completed, the presiding officer shall publicly announce the results.

(b) In towns that use vote tabulating machines, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the machine, the presiding officer shall insert the ender card and the tabulator will print a tape of unofficial results. The presiding officer shall print at least two additional copies of the tabulator tape. The unofficial results from the tape may be publicly announced, and one copy of the printed tape may be posted in the polling place upon a placard that clearly states: “Unofficial incomplete results.”

(c) The presiding officer and one other election official then shall proceed either to complete the return at once, or to store the summary sheets in a safe and secure place until their retrieval for completion of the return. In any event, no later than 24 hours after the polls close, the presiding officer and at least one other election official shall transfer the totals from the summary sheets to the proper spaces on the return, and both shall sign the return. The town clerk shall store the summary sheets safely so that the public cannot reasonably have access to them for a period of 90 days without the town clerk’s consent. The original of the return shall be delivered to the town clerk. In a manner prescribed by the secretary of state and within 48 hours of the close of the polls, the town clerk shall deliver to the secretary of state, the senatorial district

clerk, the county clerk, and the representative district clerk, one certified copy each of the return. The town clerk shall also make a copy available to the public upon request.

Sec. 3. 17 V.S.A. § 2602a(b) is amended to read:

(b) The superior court shall set an early date for the recount, making appointments to the recount committee from among those nominated under this section. In making these appointments, the court shall appoint an equal number of persons from each party and from those persons representing an independent candidate. After making the appointments, the court shall notify all candidates of the recount date at least five days in advance. The court shall order the town clerk or clerks having custody of the ballots to be recounted ~~to surrender them to the state police~~ appoint two election officials who are not members of the same political party, who shall transport them to the appropriate county clerks before the day set for the recount.

Sec. 4. 17 V.S.A. § 2602l is amended to read:

§ 2602l. RECOUNTS USING VOTING MACHINES

In all recounts conducted under this chapter, ballots shall be counted by hand as described in sections 2602a through 2602k of this title, unless the candidate who petitions for a recount requests that the recount be conducted by optical scanner.

Sec. 4a. 17 V.S.A. § 2685 is amended to read:

§ 2685. INSPECTION OF BALLOTS

At the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container and recount the votes, unless the candidate who petitions for a recount requests that the recount be conducted by optical scanner. The petitioner, the opposing candidates and their designated representatives may inspect the ballots and observe the recount under the guidance of the board. The board shall certify the result to the clerk, who shall declare the result. After the recount the board shall seal the ballots and other materials back in the containers and the town clerk shall safely store them as provided in section 2590 of this title.

Sec. 5. REPEAL

(a) 17 V.S.A. § 2103(22) (definition of political committee) is repealed.

(b) Secs. 2 and 3 of No. 111 of the Acts of the 2007 Adj. Sess. (2008) (repeal and purpose of use of mobile polling stations) are repealed so that 17 V.S.A. § 2532a shall not be repealed on July 1, 2009.

Approved: May 26, 2009