

1 TO THE HONORABLE SENATE:

2 The Committee on Government Operations to which was referred House
3 Bill No. 429 entitled “An act relating to miscellaneous changes to election
4 laws” respectfully reports that it has considered the same and recommends that
5 the Senate propose to the House that the bill be amended by striking out all
6 after the enacting clause and inserting in lieu thereof the following:

7 H.429

8 An act relating to miscellaneous changes to election laws

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

10 * * * Sore Loser Law * * *

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

12 (c) In no event shall a candidate who loses a major party primary be
13 nominated to appear on the general election ballot pursuant to this subchapter
14 by a committee of any party other than the party for which the candidate
15 appeared on the primary ballot.

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

17 § 2401. APPLICABILITY OF SUBCHAPTER

18 (a) A person may be nominated and have ~~his or her~~ the person's name
19 printed on the general election ballot for any office by filing a consent similar
20 in form to the consent prescribed by section 2361 of this title and a statement
21 of nomination with the Secretary of State. In the case of a nomination for

1 justice of the peace, the consent form and statement of nomination shall be
2 filed with the town clerk.

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

6 * * * Campaign Finance Limits for Statewide Candidates * * *

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

8 § 2941. LIMITATIONS OF CONTRIBUTIONS

9 (a) In any election cycle:

10 * * *

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

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

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

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

16 (B) Notwithstanding subdivision (A) of this subdivision (a)(5), a
17 political party shall accept not more than \$20,000.00 from a candidate for State
18 office.

19 * * *

* * * Biennial Committee Reorganization Reporting * * *

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

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

* * *

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

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

Sec. 5. [Deleted.]

* * * Candidate Demographic Information * * *

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

§ 2359. NOTIFICATION TO SECRETARY OF STATE

(a) Within three days after the last day for filing petitions, all town and county clerks who have received petitions shall ~~notify~~ file with the Secretary of State ~~of the names of all candidates,~~ a list containing the name, gender, age, race or ethnicity, mailing address, and e-mail address of all candidates, to the extent this information is provided by candidates; the offices for which ~~they~~ the candidates have filed; and whether each candidate has submitted a

1 sufficient number of valid signatures to comply with the requirements of
2 section 2355 of this title. Town and county clerks shall also notify the
3 Secretary of State of any petitions found not to conform to the requirements of
4 this chapter and returned to a candidate under section 2358 of this title; and
5 shall notify the Secretary of State of the status of such ~~petition~~ petitions not
6 later than two days after the last day for filing supplementary petitions.

7 (b) Information of a candidate's gender, age, or race or ethnicity collected
8 pursuant to subsection (a) of this section is exempt from public inspection and
9 copying under the Public Records Act and shall be kept confidential, except
10 that the Secretary of State may publish information pertaining to candidates'
11 gender, age, or race or ethnicity in aggregate form.

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

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

19 * * *

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

21 § 2665. NOTIFICATION TO SECRETARY OF STATE

* * * Write-in Candidate Registration and Minimum Thresholds in Primary Elections * * *

§ 2370. WRITE-IN CANDIDATES

VT LEG #368866 v.3

1 State a form consenting to candidacy for office as set forth in subsection
2 2587(e) of this title. The Secretary of State shall notify the town clerks of any
3 filings made in accordance with this subsection not later than the Friday before
4 the election.

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

7 (1) 10 percent of the votes cast for candidates plus one additional vote;

8 or

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

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

17 Sec. 9a. 17 V.S.A. § 2472(b)(6) is added to read:

18 (6) In order to have votes listed for a write-in candidate under
19 subdivision 2587(e)(3) of this title, not later than 5:00 p.m. on the second
20 Friday preceding the general election, a write-in candidate for the General
21 Assembly, any State office, or any federal office shall file with the Secretary of

1 State a form consenting to candidacy for office as set forth in subsection
2 2587(e) of this title. The Secretary of State shall notify the town clerks of any
3 filings made in accordance with this subsection not later than the Friday before
4 the election.

5 Sec. 9b. 17 V.S.A. § 2587(e) is amended to read:

6 (e)(1) In the case of “write-in” votes, the act of writing in the name of a
7 candidate, or pasting a label containing a candidate’s name upon the ballot,
8 without other indications of the voter’s intent, shall constitute a vote for that
9 candidate, even though the voter did not fill in the square or oval after the
10 name.

11 (2)(A) A vote for a write-in candidate shall be counted as a write-in vote
12 that is without consent of candidate unless the write-in candidate filed a
13 consent of candidate form with the Secretary of State in accordance with
14 section 2370 of this title in the primary election, subsection 2472(b) of this title
15 for the general election, and subsection § 2702(f) of this title for the
16 presidential primary. The consent form shall set forth the name of the
17 candidate, the name of the office for which the candidate consents to be a
18 candidate, the candidate’s town of residence, and the candidate’s correct
19 mailing address. The clerk shall record the name and vote totals of a write-in
20 candidate who has filed in accordance with section 2370 of this title in the

1 primary election, subsection 2472(b) of this title for the general election, and
2 subsection § 2702(f) of this title for the presidential primary.

3 (B) The Secretary of State shall prepare and furnish forms for
4 candidate consent purposes.

5 (3) The election officials counting ballots and tallying results shall only
6 list every person who receives a “write-in” vote and the number of votes
7 received the names and votes received of those write-in candidates who
8 consented to candidacy for the office pursuant to section 2370 of this title in
9 the primary election, subsection 2472(b) of this title for the general election,
10 and subsection 2702(f) of this title for the presidential primary. Any write-in
11 votes for candidates who have not consented to the write-in candidacy shall be
12 listed as “write-ins.”

13 * * *

14 Sec. 9c. 17 V.S.A. § 2702(f) is added to read:

15 (f) In order to have votes counted for a write-in candidate under section
16 2587 of this title, not later than 5:00 p.m. on the second Friday preceding the
17 presidential primary election, a write-in candidate for nomination by any major
18 political party shall file with the Secretary of State a form consenting to
19 candidacy for office as set forth in subsection 2361(b) of this title. The
20 Secretary of State shall notify the town clerks of any filings made in
21 accordance with this subsection not later than the Friday before the election.

* * * Electronic Ballot Returns * * *

Sec. 9d. 17 V.S.A. § 2539 is amended to read:

§ 2539. DELIVERY OF EARLY VOTER ABSENTEE BALLOTS

* * *

(c) Military or overseas voters.

* * *

(3) “Overseas voters,” as used in this section, means a person who is qualified to vote in Vermont and resides outside the United States, meaning the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

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

§ 2542. SIGNING CERTIFICATE

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

“Early or Absentee Voter Ballots of _____”

(print your name)

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

1 _____

2 (your signature)

3 (b) The early or absentee voter, except a voter returning a ballot
4 electronically pursuant to subsection 2543(d) of this title, must sign the
5 certificate on the outside of the envelope in order for the ballot to be valid.

6 When an early or absentee voter is physically unable to sign ~~his or her~~ the
7 voter's name, ~~he or she~~ the voter may mark an "X" or take an oath swearing or
8 affirming to the statement on the certificate. The officers who deliver the
9 ballots shall witness the mark or oath and sign their names with a statement
10 attesting to this fact on the envelope.

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

12 § 2543. RETURN OF BALLOTS

13 * * *

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

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

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

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

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

3 (2)(A) All ballots electronically delivered pursuant to subsection
4 2539(b) or (c) of this title to voters with disabilities, as defined in 9 V.S.A.
5 4501(2), and overseas voters, as defined in subdivision 2539(c)(3) of this title,
6 and returned as follows shall be counted:

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

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

12 (B) A ballot electronically delivered pursuant to subsection 2539(b)
13 or (c) of this title to voters with disabilities, as defined in 9 V.S.A. 4501(2),
14 and overseas voters, as defined in subdivision 2539(c)(3) of this title, and then
15 returned pursuant to subdivision (A) of this subdivision (d)(2) shall be printed
16 by the clerk and processed in the same manner as all other early or absentee
17 ballots and in accordance with the procedures prescribed by this subchapter.

18 (C) The voter shall be notified when a ballot electronically delivered
19 pursuant to subsection 2539(b) or (c) of this title to voters with disabilities, as
20 defined in 9 V.S.A. 4501(2), and overseas voters, as defined in subdivision
21 2539(c)(3) of this title, and then returned pursuant to subdivision (A) of this

1 subdivision (d)(2) is received and printed by the clerk pursuant to subdivision
2 (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 * * * Delinquent Disclosures for Candidates for State Office, County Office,
7 State Senator, and State Representative * * *

8 Sec. 11a. 17 V.S.A. chapter 49, subchapter 4 is amended to read:

9 Subchapter 4. Miscellaneous Provisions

10 * * *

11 § 2414. CANDIDATES FOR STATE, COUNTY, AND LEGISLATIVE
12 OFFICE; DISCLOSURE FORM

13 (a) Each candidate for State office, county office, State Senator, or State
14 Representative shall file with the officer with whom consent of candidate
15 forms are filed, along with ~~his or her~~ the candidate's consent, a disclosure form
16 prepared by the State Ethics Commission that contains the following
17 information in regard to the previous calendar year:

18 * * *

19 (c) In addition, each candidate for State office shall attach to the disclosure
20 form described in subsection (a) of this section a copy of ~~his or her~~ the
21 candidate's most recent U.S. Individual Income Tax Return Form 1040;

provided, however, that the candidate may redact from that form the following information:

(1) the candidate's Social Security number and that of ~~his or her~~ the candidate's spouse, if applicable;

(2) the names of any dependent and the dependent's Social Security number; ~~and~~

(3) the signature of the candidate and that of ~~his or her~~ the candidate's spouse, if applicable;

(4) the candidate's street address; and

(5) any identifying information and signature of a paid preparer.

(d)(1) A senatorial district clerk or representative district clerk who receives a disclosure form under this section shall forward a copy of the disclosure to the Secretary of State within three business days ~~of~~ after receiving it.

(2)(A) The Secretary of State shall post a copy of any disclosure forms and tax returns ~~he or she~~ the Secretary receives under this section on ~~his or her~~ the Secretary's official State website. The forms shall remain posted on the Secretary's website until the date of the filing deadline for petition and consent forms for major party candidates for the statewide primary in the following election cycle.

* * *

1 (e) As used in this section:

2 (1) “County office” means the office of assistant judge, probate judge,
3 sheriff, high bailiff, and State’s Attorney.

4 (2) “Domestic partner” means an individual with whom the candidate
5 has an enduring domestic relationship of a spousal nature, as long as the
6 candidate and the domestic partner:

7 * * *

8 ~~(2)~~(3) “Lobbyist” and “lobbying firm” shall have the same meanings as
9 in 2 V.S.A. § 261.

10 § 2415. FAILURE TO FILE; PENALTIES

11 (a) If any disclosure required of a candidate for State office, county office,
12 State Senator, or State Representative by section 2414 of this title is not filed
13 by the time frames set forth in sections 2356, 2361, and 2402 of this title, the
14 candidate for State office, county office, State Senator, or State Representative
15 shall be addressed as follows:

16 (1) The State Ethics Commission shall issue a notice of delinquency to
17 the candidate for State office, county office, State Senator, or State
18 Representative for any disclosure required of a candidate for State office,
19 county office, State Senator, or State Representative by section 2414 of this
20 title that is not filed by the time frames set forth in sections 2356, 2361, and
21 2402 of this title.

1 (2) Following notice of delinquency sent by the State Ethics
2 Commission to the candidate for State office, county office, State Senator, or
3 State Representative, the candidate shall have five working days from the date
4 of the issuance of the notice to cure the delinquency.

5 (3) Beginning six working days from the date of notice, the delinquent
6 candidate for State office, county office, State Senator, or State Representative
7 shall pay a \$10.00 penalty for each day thereafter that the disclosure remains
8 delinquent; provided, however, that in no event shall the amount of any penalty
9 imposed under this subdivision exceed \$1,000.00.

10 (4) The State Ethics Commission may reduce or waive any penalty
11 imposed under this section if the candidate for State office, county office, State
12 Senator, or State Representative demonstrates good cause, as determined by
13 the State Ethics Commission and in the sole discretion of the State Ethics
14 Commission.

15 (b) The Commission shall send a notice of delinquency to the e-mail
16 address provided by the candidate for State office, county office, State Senator,
17 or State Representative in their consent of candidate form.

18 (c) The State Ethics Commission may avail itself of remedies available
19 under the Vermont Setoff Debt Collection Act, as set forth in 32 V.S.A.
20 chapter 151, subchapter 12, to collect any unpaid penalty.

1 (d)(1) A candidate for State office, county office, State Senator, or State
2 Representative who files a disclosure with intent to defraud, falsify, conceal, or
3 cover up by any trick, scheme, or device a material fact, or with intent to
4 defraud make any false, fictitious, or fraudulent claim or representation as to a
5 material fact, or with intent to defraud make or use any writing or document
6 knowing the same to contain any false, fictitious, or fraudulent claim or entry
7 as to a material fact shall be considered to have made a false claim for the
8 purposes of 13 V.S.A. § 3016.

9 (2) Complaints regarding any candidate for State office, county office,
10 State Senator, or State Representative who fails to properly file a disclosure
11 required under this subchapter pursuant to this subsection shall be accepted,
12 reviewed, referred, and kept confidential pursuant to 3 V.S.A. §§ 1223 and
13 2904a.

14 * * * Campaign Finance Reform and Electronic Ballots Return Report * * *

15 Sec. 11b. CAMPAIGN FINANCE REFORM AND ELECTRONIC

16 BALLOTS RETURN; REPORT

17 On or before January 15, 2025, the Secretary of State, in consultation with
18 the Vermont Municipal Clerks' and Treasurers' Association and other relevant
19 stakeholders as determined by the Secretary of State, shall report to the House
20 Committee on Government Operations and Military Affairs and the Senate
21 Committee on Government Operations with an assessment of the electronic

1 ballot return system as modified by 2023 amendments to 17 V.S.A. §§ 2542
2 and 2543, including any identified issues and recommendations for correcting
3 any issues or improving related voting processes.

4 * * * Opt-in Ranked-Choice Voting System for Town, Cities,
5 and Villages * * *

6 Sec. 11c. 17 V.S.A. chapter 55, subchapter 4 is added to read:

7 Subchapter 4. Ranked-Choice Voting

8 § 2691a. DEFINITIONS

9 As used in this subchapter:

10 (1) “Active candidate” means a candidate who has not been eliminated
11 and who is not a withdrawn candidate.

12 (2) “By lot” means a method, determined by the Secretary of State, for
13 randomly choosing between two or more active candidates.

14 (3) “Highest-ranked active candidate” means the active candidate
15 assigned a higher ranking than any other active candidate.

16 (4) “Inactive ballots” means ballots that do not count as votes for any
17 candidate due to one or more of the reasons listed in subdivision 2691d(c)(2)
18 of this title.

19 (5) “Overvote” means an instance in which a voter assigned the same
20 ranking to more than one candidate.

1 (6) “Ranking” means the number available to be assigned by a voter to a
2 candidate to express the voter’s choice for that candidate. The number “1” is
3 the highest ranking, followed by “2” and then “3” and so on.

4 (7) “Round” means an instance of the sequence of voting tabulation in
5 accordance with section 2691d of this title.

6 (8) “Skipped ranking” means a voter does not assign a certain available
7 ranking to any candidate but does assign a subsequent available ranking to a
8 candidate.

9 (9) “Undervote” means a ballot on which a voter does not assign any
10 ranking to any candidate in a particular contest.

11 (10) “Withdrawn candidate” means any candidate who has submitted a
12 declaration of withdrawal in writing to the presiding officer, the effectiveness
13 of which begins when filed with the presiding officer.

14 § 2691b. RANKED-CHOICE VOTING SYSTEM; APPLICATION

15 (a) Application.

16 (1) The provisions of the ranked-choice voting system described in this
17 subchapter shall only apply to the election of a candidate running for an office
18 in a town, city, or village if:

19 (A) a town, city, or village has voted to elect officers by the
20 Australian ballot system pursuant to section 2680 of this title and is using the
21 Australian ballot system in accordance with subsection 2680 of this title;

1 (B) that town, city, or village uses vote tabulators for the registering
2 and counting of votes in local elections pursuant to section 2491 of this title;
3 and

4 (C) that town, city, or village has adopted the ranked-choice voting
5 system described in this subchapter by a vote of the town, city, or village at its
6 annual meeting or at a special meeting called for that purpose.

7 (2) Notwithstanding subdivision (1)(B) of this subsection, if the
8 Secretary of State suspends the use of vote tabulators and requires the hand
9 count of votes in an election pursuant to subdivision 2491(d)(1) of this title
10 after 60 days prior to an election, the provisions of the ranked-choice voting
11 system described in this subchapter shall still apply to the election of a
12 candidate running for an office in a town, city, or village who otherwise meets
13 the requirements of subdivisions (1)(A) and (1)(C) of this subsection.

14 (b) Duration. Once a town, city, or village votes to adopt the ranked-choice
15 voting system described in this subchapter, this ranked-choice voting system
16 shall be used in that manner until the town, city, or village votes to discontinue
17 use of the system.

18 § 2691c. RANKED-CHOICE VOTING SYSTEM; BALLOTS

19 Notwithstanding any contrary provisions in section 2681a of this title, a
20 ballot for an election using the ranked-choice system in a town, city, or village
21 shall allow voters to rank candidates in order of ordinal preference.

1 (1) The names of all candidates on the ballot shall be listed in
2 alphabetical order.

3 (2) The ballot shall allow voters to assign rankings to candidates that are
4 equal to the number of printed candidate names and blank write-in lines.

5 § 2691d. RANKED-CHOICE VOTING TABULATION

6 (a) Tabulation rounds. In any election of a candidate running for an office
7 in a town, city, or village, each ballot shall count as one vote for the highest-
8 ranked active candidate on that ballot. Tabulation shall proceed in rounds, as
9 follows:

10 (1) Elections with one winner.

11 (A) If there are two or fewer active candidates, then tabulation is
12 complete, and the candidate with the most votes is declared the winner of the
13 election.

14 (B) If there are more than two active candidates, the active candidate
15 with the fewest votes is eliminated, the votes for the eliminated candidate are
16 transferred to each ballot's next-ranked active candidate, and a new round
17 begins.

18 (2) Elections with multiple winners.

19 (A) If the number of active candidates is equal to the number of seats
20 available plus one, then tabulation is complete, and the candidates with the
21 most votes are declared the winners of the election.

1 (B) If the number of active candidates is more than the number of
2 seats available plus one, then the active candidate with the fewest votes is
3 eliminated, the votes for the eliminated candidate are transferred to each
4 ballot's next-ranked active candidate, and a new round begins.

5 (3) Ties.

6 (A) If there is a tie between two active candidates with the fewest
7 votes, the tie shall be resolved by lot to determine which candidate is defeated.
8 The result of the tie resolution must be recorded and reused in the event of a
9 recount.

10 (B) If there is a tie between the final active candidates, the presiding
11 officer shall notify each active candidate involved in the tie, or the candidate's
12 designee, to be present at the presiding officer's office or at the polling place at
13 a certain time. At that time, the presiding officer shall select the winner of the
14 tabulation by lot.

15 (b) Withdrawn candidates. Ranking orders containing withdrawn
16 candidates shall be treated the same as ranking orders containing candidates
17 who have been eliminated from tabulation.

18 (c) Inactive ballots and undervotes.

19 (1) In any round of tabulation, an inactive ballot does not count for any
20 candidate and is not considered a vote for the purposes of determining which

1 active candidate has the majority of the active votes in the final round of
2 tabulation pursuant to subsection (a) of this section.

3 (2) A ballot is an inactive ballot if any of the following is true:

4 (A) The ballot does not rank any active candidates and is not an
5 undervote.

6 (B) The ballot has reached an overvote.

7 (C) The ballot has reached two consecutive skipped rankings.

8 (3) An undervote does not count as either an active or inactive ballot in
9 any round of tabulation.

10 § 2691e. RANKED-CHOICE VOTING RESULTS REPORTING

11 In addition to any other information required by law to be reported with
12 final results, the following shall be made public:

13 (1) the total number of votes each candidate received in each round of
14 the official tabulation, including votes for withdrawn candidates; and

15 (2) the total number of ballots that became inactive in each round
16 because they did not contain any active candidates, reached an overvote, or
17 reached two consecutive skipped rankings, reported as separate figures.

18 § 2691f. MUNICIPAL ORDINANCES

19 Municipalities shall have the power to adopt ordinances pursuant to
20 24 V.S.A. chapter 59 for the purpose of the proper and efficient administration

1 of the ranked-choice voting system in towns, cities, and villages, provided such
2 ordinances do not controvert the provisions of this subchapter.

3 Sec. 11d. FIRST PERMISSIBLE ELECTION USING RANKED-CHOICE
4 VOTING SYSTEM

5 A town, city, or village may only use the ranked-choice voting system
6 described in 17 V.S.A. chapter 55, subchapter 4 beginning at the 2024 annual
7 meeting of that town, city, or village and then thereafter. A town, city, or
8 village may nevertheless adopt pursuant to 17 V.S.A. § 2691b(a) a ranked-
9 choice voting system in advance of the 2024 annual meeting.

10 * * * Voter and Presiding Officer Education * * *

11 Sec. 11e. VOTER AND PRESIDING OFFICER EDUCATION;

12 SECRETARY OF STATE'S OFFICE

13 The Secretary of State shall make available to voters in a town, city, or
14 village that has adopted ranked-choice voting pursuant to 17 V.S.A. § 2691b
15 information regarding the ranked-choice process and provide to presiding
16 officers in those towns, cities, and villages training in order to assist them in
17 implementing that process.

18 * * * Ranked-Choice Voting Study Committee * * *

19 Sec. 11f. RANKED-CHOICE VOTING; RANKED-CHOICE VOTING

20 STUDY COMMITTEE; REPORT

1 (a) Creation. There is created the Ranked-Choice Voting Study Committee
2 to examine issues in implementing ranked-choice voting in Vermont across all
3 elections for State and federal office.

4 (b) Membership. The Ranked-Choice Voting Study Committee shall be
5 composed of the following members:

6 (1) two current members of the House of Representatives, not from the
7 same political party, who shall be appointed by the Speaker of the House;

8 (2) two current members of the Senate, not from the same political
9 party, who shall be appointed by the Committee on Committees;

10 (3) one designee, appointed by the Secretary of State;

11 (4) three designees, appointed by the Vermont Municipal Clerks' and
12 Treasurers' Association, from different-sized towns, cities, and villages,
13 different regions, and at least one shall be from a town, city, or village that use
14 a hand count in elections;

15 (5) one designee, appointed by the Vermont League of Cities and
16 Towns;

17 (6) a member of an organization focused on the conduct of elections,
18 who shall be appointed by the Speaker of the House; and

19 (7) a member of a different organization focused on the conduct of
20 elections, who shall be appointed by the Senate Committee on Committees.

1 (c) Powers and duties. The Ranked-Choice Voting Study Committee shall
2 study ranked-choice voting systems with the goals of having
3 recommendations, if any, implemented for all primary and general elections
4 for state and federal office occurring in 2026, including the following issues:

- 5 (1) education of voters;
6 (2) training of town clerks, presiding officers, and election staff;
7 (3) election integrity, security, and transportation of ballots;
8 (4) technological requirements in tabulators, hardware, and software;
9 (5) methodology of ranked-choice voting systems;
10 (6) canvassing of votes and roles of canvassing committees;
11 (7) post-election processes and reporting; and
12 (8) other items relating to the design and implementation of ranked-
13 choice voting systems.

14 (d) Assistance. The Ranked-Choice Voting Study Committee shall have
15 the administrative, technical, and legal assistance of the Vermont Office of
16 Legislative Counsel and the Vermont Legislative Joint Fiscal Office.

17 (e) Report. On or before January 15, 2024, the Ranked-Choice Voting
18 Study Committee shall report to the House Committee on Government
19 Operations and Military Affairs and the Senate Committee on Government
20 Operations with its findings and any recommendations for legislative action.

21 (f) Meetings.

1 (1) A member of the House of Representatives designated by the
2 Speaker of the House shall call the first meeting of the Ranked-Choice Voting
3 Study Committee to occur on or before July 1, 2023.

4 (2) The Ranked-Choice Voting Study Committee shall select a chair
5 from among its members at the first meeting.

6 (3) A majority of the members of the Ranked-Choice Voting Study
7 Committee shall constitute a quorum.

8 (4) The Ranked-Choice Voting Study Committee shall cease to exist on
9 November 1, 2024.

10 (g) Compensation and reimbursement.

11 (1) For attendance at meetings during adjournment of the General
12 Assembly, a legislative member of the Ranked-Choice Voting Study
13 Committee serving in the legislator’s capacity as a legislator shall be entitled to
14 per diem compensation and reimbursement of expenses pursuant to 2 V.S.A.
15 § 23 for not more than four meetings. These payments shall be made from
16 monies appropriated to the General Assembly.

17 (2) Other members of the Ranked-Choice Voting Study Committee who
18 are not paid for their services by the organization for which the member is
19 representing on the Ranked-Choice Voting Study Committee shall be entitled
20 to per diem compensation as permitted under 32 V.S.A. § 1010 for not more

1 than four meetings. These payments shall be made from monies appropriated
2 to the Office of the Secretary of State.

3 (h) Appropriation. The sum of \$1,000.00 is appropriated to the Office of
4 the Secretary of State from the General Fund in fiscal year 2024 for per diem
5 compensation for members of the Committee.

6 * * * Ranked-Choice Voting for Presidential Primary Elections * * *

7 Sec. 11g. REDESIGNATION

8 17 V.S.A. §§ 2705 and 2706 are redesignated as 17 V.S.A. §§ 2710 and 2711.

9 Sec. 11h. 17 V.S.A. chapter 57, subchapter 1 is amended to read:

10 Subchapter 1. Presidential Primary

11 § 2700. DEFINITIONS

12 As used in this subchapter:

13 (1) “Active candidate” means a candidate who has not been eliminated
14 and who is not a withdrawn candidate as set forth in subdivision (12) of this
15 section.

16 (2) “By lot” means a method, determined by the Secretary of State, for
17 randomly choosing between two or more active candidates.

18 (3) “Highest-ranked active candidate” means the active candidate
19 assigned a higher ranking than any other active candidate.

1 (4) “Inactive ballots” means ballots that do not count as votes for any
2 candidate due to one or more of the reasons listed in subdivision 2706(c)(2) of
3 this title.

4 (5) “Major political party” has the same meaning as in subdivision
5 2103(23)(A) of this title.

6 (6) “Overvote” means an instance in which a voter assigned the same
7 ranking to more than one candidate.

8 (7) “Ranking” means the number available to be assigned by a voter to a
9 candidate to express the voter’s choice for that candidate. The number “1” is
10 the highest ranking, followed by “2,” and then “3,” and so on.

11 (8) “Round” means an instance of the sequence of voting tabulation in
12 accordance with section 2706 of this title.

13 (9) “Skipped ranking” means a voter does not assign a certain available
14 ranking to any candidate but does assign a subsequent available ranking to a
15 candidate.

16 (10) “Threshold for receiving delegates” means the number of votes
17 necessary for a candidate to receive delegates in a presidential primary election
18 conducted in accordance with subdivision 2705(a)(2) of this title.

19 (11) “Undervote” means a ballot on which a voter does not assign any
20 ranking to any candidate in a particular contest.

1 (1) The ballot shall allow voters to rank candidates in order of choice.
2 The names of all candidates on the ballot shall be listed in alphabetical order.
3 ~~Each voter may vote for one candidate for the presidential nomination of one~~
4 ~~party, either by placing a mark opposite the printed name of a candidate as in~~
5 ~~other primaries, or by writing in the name of the candidate of the voter's~~
6 ~~choice.~~

7 (2) The ballot shall allow voters to assign rankings to candidates that are
8 equal to the number of printed candidate names and blank write-in lines,
9 except to the extent established by the Secretary pursuant to section 2709 of
10 this title.

11 § 2705. TYPE OF RANKED-CHOICE VOTING

12 (a) At least 150 days before the date of the presidential primary election,
13 the State committee of each major political party shall confirm in writing with
14 the Secretary of State whether the party will award delegates either:

15 (1) on a winner-take-all basis in accordance with subsection 2706(d) of
16 this title; or

17 (2) on a proportional basis in accordance with subsection 2706(e) of this
18 title, in which case the party shall also indicate the applicable threshold or
19 thresholds for receiving delegates.

20 (b) If a party fails to provide notice, or its notice does not specify how the
21 party will award its delegates, the presidential primary election for that party

1 shall be tabulated on a winner-take-all basis in accordance with subsection
2 2706(d) of this title.

3 (c) At least 120 days before the date of the presidential primary election,
4 the Secretary of State shall confirm with the State committee of each political
5 party that the State is capable of implementing the party's preferences as
6 declared under subsection (a) of this section or shall notify the State committee
7 of any feasibility constraints that could prevent the State from implementing
8 the party's preferences.

9 § 2706. RANKED-CHOICE VOTING TABULATION

10 (a) Tabulation rounds. In any presidential primary election for a major
11 political party, each ballot shall count as one vote for the highest-ranked active
12 candidate on that ballot. Tabulation shall proceed in rounds. Each round
13 proceeds sequentially as described in subsection (d) or (e) of this section, as
14 applicable.

15 (b) Withdrawn candidates. Ranking orders containing withdrawn
16 candidates shall be treated the same as ranking orders containing candidates
17 who have been eliminated from tabulation.

18 (c) Inactive ballots and undervotes.

19 (1) In any round of tabulation, an inactive ballot does not count for any
20 candidate and is not considered a vote for the purposes of determining either
21 which active candidate has majority of the active votes in the final round of

1 tabulation pursuant to subsection (d) of this section or which active candidates
2 possess a vote total above the threshold for receiving delegates pursuant to
3 subsection (e) of this section.

4 (2) A ballot is an inactive ballot if any of the following is true:

5 (A) The ballot does not rank any active candidates and is not an
6 undervote.

7 (B) The ballot has reached an overvote.

8 (C) The ballot has reached two consecutive skipped rankings.

9 (3) An undervote does not count as either an active or inactive ballot in
10 any round of tabulation.

11 (d) Award of delegates on winner-take-all basis. If a major political party
12 awards all of the State's delegates to a single candidate on a winner-take-all
13 basis, tabulation shall proceed as follows:

14 (1) If there are two or fewer active candidates, then tabulation is
15 complete and the candidate with the most votes is declared the winner of the
16 election.

17 (2) If there are more than two active candidates, the active candidate
18 with the fewest votes is eliminated, the votes for the eliminated candidate are
19 transferred to each ballot's next-ranked active candidate, and a new round
20 begins.

1 (3) If there is a tie between two active candidates with the fewest votes,
2 the tie shall be resolved by lot to determine which candidate is defeated. The
3 result of the tie resolution must be recorded and reused in the event of a
4 recount.

5 (4) If there is a tie between the final two active candidates, the Secretary
6 of State shall notify each active candidate involved in the tie, or the candidate's
7 designee, to be present at the Secretary of State's office at a certain time. At
8 that time, the Secretary of State shall select the winner of the tabulation by lot.

9 (e) Award of delegates on proportional basis. If a major political party
10 awards the State's delegates to multiple candidates on a proportional basis,
11 tabulation shall proceed as follows:

12 (1) If the vote total of every active candidate is above the threshold for
13 receiving delegates as confirmed by the major political party pursuant to
14 subdivision 2705(a)(2) of this title, then tabulation is complete.

15 (2) If any active candidate is below the threshold for receiving
16 delegates, then the active candidate with the fewest votes is eliminated, votes
17 for the eliminated candidate are transferred to each ballot's next-ranked active
18 candidate, and a new round begins.

19 (3) If there is a tie between two active candidates with the fewest votes
20 and tabulation is not yet complete, the tie shall be resolved by lot to determine

1 which candidate is defeated. The result of the tie resolution must be recorded
2 and reused in the event of a recount.

3 (f) Certification of tabulation rounds. The Secretary of State shall certify
4 the results of each round tabulated pursuant to subsection (d) or (e) of this
5 section, as applicable, along with any other information required under section
6 2707 of this title, to the State chairperson and the national committee of each
7 political party that had at least one candidate on the State-administered
8 presidential primary election ballot to allocate national delegate votes in
9 accordance with the party's State and national rules.

10 (g) Nothing in this act shall be construed to preclude a political party from
11 allocating delegates according to its own rules for allocating such delegates.

12 § 2707. RANKED-CHOICE VOTING RESULTS REPORTING

13 (a) Unofficial preliminary round-by-round results shall be released as soon
14 as feasible after the polls close and at regular intervals thereafter until the
15 counting of ballots is complete. Unofficial preliminary round-by-round results
16 shall be clearly labeled as preliminary and, to the extent feasible, shall include
17 the percent of ballots counted to date.

18 (b) In addition to any other information required by law to be reported with
19 final results, the following shall be made public:

20 (1) the total number of votes each candidate received in each round
21 of the official tabulation, including votes for withdrawn candidates; and

1 (2) the total number of ballots that became inactive in each round
2 because they did not contain any active candidates, reached an overvote, or
3 reached two consecutive skipped rankings, reported as separate figures.

4 (c) If a major political party allocates delegates by geographical unit or
5 district, round-by-round results by geographical unit or district shall be made
6 public in addition to state-wide results.

7 § 2708. CANVASSING COMMITTEE CERTIFICATES

8 When the canvassing committee provided for in section 2592 of this title
9 prepares its certificate of election for a presidential primary election for a
10 major political party, the canvass shall state the number of final round votes
11 received by each candidate who has received votes in the final round of
12 tabulation.

13 Sec. 11i. 17 V.S.A. § 2709 is added to read:

14 § 2709. RULEMAKING

15 The Secretary of State shall adopt rules pursuant to 3 V.S.A. chapter 25 for
16 the proper and efficient administration of presidential primary elections,
17 including procedures for ensuring that voting tabulators, voting tabulator
18 memory cards, and related software are able to tabulate rank-choice voting
19 when necessary; procedures for ensuring that the number of rankings allowed
20 to voters be uniform across the State for any given contest, that the number of
21 rankings allowed in any given contest be the maximum number allowed by the

1 equipment, and that the number of rankings allowed be not fewer than three in
2 any event; procedures for the release of round-by-round results; procedures for
3 requesting and conducting recounts of the results of presidential primary
4 elections for major candidates; and procedures for filing returns in accordance
5 with section 2588 of this title.

6 * * * Vote Tabulators; Returns * * *

7 Sec. 11j. TALLY SHEETS; SUMMARY SHEETS; RETURNS

8 The Secretary of State shall ensure that on or before January 1, 2028,
9 all tally sheets, summary sheets, and returns described in 17 V.S.A. § 2586 are
10 designed to record ranked-choice voting results in accordance with this act.

11 * * * Effective Date * * *

12 Sec. 12. EFFECTIVE DATES

13 This act shall take effect on July 1, 2023, except that Secs. 11g
14 (redesignation) and 11h (amending 17 V.S.A. chapter 57, subchapter 1) shall
15 take effect on January 1, 2027, and Secs. 11i (rulemaking) and 11j (tally
16 sheets; summary sheets; returns) shall take effect on January 1, 2025.

17
18
19
20
21 (Committee vote: _____)

1

2

Senator _____

3

FOR THE COMMITTEE