

# VERMONT ELECTION LAWS



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## **FOREWORD**

We are pleased to provide you this convenient book containing Vermont's basic election law. This includes all of Title 17 of the Vermont Statutes Annotated. Note that there may be specific provisions of Titles 16, 20 and 24 that also relate to Vermont's elections, which you should be sure to look at as necessary.

Please note that all of Vermont's cities, and many of the larger towns, also have municipal governance charters that may have provisions that differ from and supersede the laws included in this book. If your municipality has a governance charter it should be consulted alongside these general election laws. Wherever possible the two sets of laws should be read in conjunction with one and the other; however, where the laws may conflict the provisions of the municipal charter will generally govern.

Our election laws are constantly being revised by the Vermont Legislature. This booklet is up-to-date through the 2021 legislative session. As the legislature makes further changes to our laws we will make available updates to this booklet. If you have questions or suggestions about how to improve this publication, please contact Elections Director Will Senning by phone at (802) 828-2363; by email ([sos.elections@vermont.gov](mailto:sos.elections@vermont.gov)) or by writing the Office of the Secretary of State 128 State Street, Montpelier, VT. 05633-1101



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## **CHAPTER 31: CONVENTIONS TO AMEND U.S. CONSTITUTION**

### **§ 1811. Governor to call**

Whenever the Congress of the United States shall submit to the several States an Amendment to the Constitution of the United States, and pursuant to Article V of such Constitution shall provide that such amendment be acted upon by conventions in the several states, the Governor, within 60 days after such amendment has been officially transmitted from the United States to this State, shall issue a call for the election of delegates to a convention to act upon such amendment. He or she shall set the date for the election of delegates and the date and hour for the holding of such convention.

### **§ 1812. Composition of convention**

The convention shall be composed of 14 delegates elected at large by the qualified voters of Vermont. It shall meet in the senate chamber of the capital at Montpelier. The date for the holding of such convention shall be not less than 20 nor more than 30 days after the election of delegates.

### **§ 1813. Election of delegates**

The election of delegates shall take place not less than three nor more than 12 months after the call, but in no case shall it occur within 40 days of the date fixed by law for a general or primary election.

### **§ 1814. Appointment of candidates for delegates**

Not less than 30 days before the date of the election of delegates, the Governor, the Lieutenant Governor, and the Speaker of the House of Representatives, or in case of incapacity of any one of them, the secretary of state in his or her stead, shall appoint and forthwith announce the names of 28 candidates for delegates, such candidates being in their opinion representative citizens of Vermont. Fourteen of these candidates shall be persons who assent to the placing of their names on the ballots as "For Ratification," and 14 shall be persons who assent to the placing of their names on the ballot as "Against Ratification." One candidate for ratification and one candidate against ratification shall be appointed from each county in the state.

### **§ 1815. Acceptance of candidacy**

On accepting such designation each candidate shall file his or her acceptance as follows:

"I do hereby accept this appointment as candidate for delegate to the convention to be held on the ..... day of .....; and assent to the placing of my name on the ballot as For Ratification or Against Ratification.

Signed ..."

### **§ 1816. Form of ballot**

The form of the ballot to be used shall be as follows:

DELEGATES TO CONVENTION TO VOTE UPON THE FOLLOWING  
PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES:  
(Here shall follow the text of the proposed amendment.)

#### **Instructions**

To vote for all the delegates who stand For Ratification, make an (X) in the square at the head of the column marked NAMES FOR RATIFICATION. To vote for all the delegates who stand Against Ratification, make a cross (X) in the square at the head of the column marked NAMES AGAINST RATIFICATION. If you do not wish to vote for every candidate in one column, make a cross (X) opposite the name of the candidates of your choice, not to exceed fourteen in all. If you do not wish to vote for the candidates named in the column "For Ratification" or the candidates named in the column "Against Ratification" you may write in the names of other delegates not to exceed fourteen in number in the spaces provided below. Ballots on which more than fourteen names are marked will be considered defective.

[insert wide measure camera copy here]

### **§ 1817. Endorsement of ballots**

Upon each ballot shall be endorsed the words "Official Ballot," followed by the name of the town in which it is to be used, the date of the election, and a facsimile of the signature of the Secretary of State with his or her official title.

### **§ 1818. Checklist to be used**

The check list used in the last preceding general election shall apply, but may be revised as now provided by law for check lists used at general elections. The polls for this election shall open at 10 a.m. and close at 8 p.m.

### **§ 1819. Canvassing board**

The Lieutenant Governor, the Speaker of the House of Representatives, and the Secretary of State shall canvass the ballots, declaring elected the 14 candidates who have received the greatest number of votes and the secretary of state shall publish the results. The Secretary of State, upon the completion of the canvass, shall mail or deliver in person to each delegate so elected a notice thereof and such delegates so elected shall be members of the convention.

### **§ 1820. General election law to apply; expense of election**

Expenses of such election shall be paid by the state or town as in the case of general elections. The statutory provisions as to holding general elections, furnishing ballots, instructions and forms, appointment and payment of election officers, filling of vacancies, solicitation of voters at the polls, challenging of voters, manner of conducting elections, counting and preserving the ballots and making returns thereof, and all other kindred subjects shall apply to such elections insofar as they are consistent with this chapter, it being the intent of this chapter to place such elections under the regulation and protection of the laws relating to general elections.

### **§ 1821. Construction of chapter**

The provisions of this chapter shall be liberally construed so that the real will of the voters shall not be defeated and so that the voters shall not be deprived of their right because of informality or failure to comply with provisions of law as to notice or conduct of the election or of certifying the results thereof.

### **§ 1822. Filling vacancies**

In case of vacancies caused by death, disability, or resignation, the Governor shall fill the vacancies by appointment.

### **§ 1823. Quorum; secretary**

A majority of the delegates shall constitute a quorum to do business, when convened according to the provisions of this chapter. The Secretary of State shall be ex officio Secretary of the Convention and with the Chairman of the Convention, he or she shall certify the vote of the convention to the Secretary of State of the United States.

## **§ 1824. Compensation**

The compensation of each delegate shall be \$10.00 and actual expenses.

## **§ 1825. Effect of congressional prescription of the manner of holding conventions**

If, on or about the time of submitting any such amendment, Congress, in the resolution submitting the same, or by statute, shall prescribe the manner in which the conventions shall be constituted, the preceding provisions of this chapter shall be inoperative. The convention shall be constituted and shall operate as the resolution or act of Congress shall direct, and all officers of the state who may by the resolution or statute be authorized or directed to take any action to constitute such a convention for this state are hereby authorized and directed to act thereunder and in conformity thereto, with the same force and effect as if acting under a statute of this state.

# **CHAPTER 32: PUBLICATION AND RATIFICATION OF ARTICLES OF AMENDMENT TO VERMONT CONSTITUTION**

## **Subchapter I: Interim Publication**

### **§ 1840. Interim publication**

Within 90 days following adjournment without day of any session of the General Assembly in which articles of amendment to the Constitution have been proposed by the Senate and concurred in by the House, the Secretary of State shall prepare copies of the proposal or proposals of amendment and forward them, with a summary of proposed changes, for publication in at least two newspapers having general circulation in the State, as determined by the Secretary of State. The proposal or proposals shall be so published once each week for three successive weeks in each of the papers at the expense of the State and on the websites of the General Assembly and the Office of the Secretary of State.

## **Subchapter II: Ratification**

### **§ 1841. Constitutional requirements**

(a) Amendments to the Constitution, having been proposed by the General Assembly, published, and concurred in by the succeeding General Assembly as required by section 72 of Chapter II of the Constitution, shall be submitted to the people of the State for their ratification and adoption in the manner provided in this chapter.

(b) Following the concurrence by the succeeding General Assembly but prior to being submitted to the people of the State, the Governor shall issue a proclamation providing public notice of the proposed constitutional amendment.

#### **§ 1842. Time of voting, warning**

(a) The people shall be assembled for the purpose of voting on the article of amendment in their respective towns and cities at the same time and place as for the general election, on the first Tuesday after the first Monday in November, in even-numbered years, and the warning for each meeting shall contain an article, in substance as follows:

"To see if the voters will vote to accept or reject the proposed article of amendment to the Constitution of Vermont."

(b) The omission of that article from the warning shall not invalidate nor affect the vote on the proposed article of amendment, and the voters of each town or city shall vote on the article of amendment whether the warning contains the foregoing article or not.

#### **§ 1843. Process of voting; making returns; conduct of meetings**

(a)(1) At those meetings the voters may vote by ballot for or against the article of amendment.

(2) The same officer shall preside in each such meeting as provided in section 2680 of this title.

(b) The board of civil authority shall, in open meeting, receive, sort, and count the votes of the voters for and against the article of amendment and the result shall be declared by the presiding officer. That result shall be recorded by the clerk of the town or city and true returns thereof shall be made, sealed up and sent by the clerk by mail or otherwise to the Secretary of State as provided in section 2588 of this title.

(c) The polls for voting on the article of amendment shall open as provided in section 2561 of this title.

#### **§ 1844. Publication in newspapers and on State websites; ballots**

(a)(1) The Secretary of State shall between September 25 and October 1 in any year in which a vote on ratification of an article of amendment is taken, prepare copies of the proposal of amendment and forward them, with a summary of proposed changes, for publication in at least two newspapers having general circulation in the State, as determined by the Secretary of State.

(2) The proposal shall be so published once each week for three successive weeks in each of the papers at the expense of the State and on the websites of the General Assembly and the Office of the Secretary of State.

(b) The Secretary of State shall cause ballots to be prepared for a vote by the voters of the State upon the proposal of amendment.

#### **§ 1845. Qualifications of voters; Conduct of Election**

The qualifications of voters on the proposal of amendment, the checklist requirements for the election, and all other provisions relating to the conduct of the election shall be the same as those required at general elections.

#### **§ 1845a. Omitted.**

#### **§ 1846. Failure to post checklists**

The failure of the selectboard of any town, or the proper officers of any city, to prepare and post checklists of the voters of the town or city, as provided by section 2141 of this title, shall not invalidate the votes given by the voters of the town or city upon the proposed article of amendment.

#### **§ 1847. [Repealed]**

#### **§ 1848. Tabulation of returns, record of amendments**

The Governor and Secretary of State shall, on the second Tuesday of December, of the year in which a vote on ratification of an article of amendment is taken, open and tabulate the returns made under section 1843 of this chapter; and if it appears therefrom that the article of amendment has been ratified and adopted by a majority of the voters voting thereon, the amendment shall be enrolled on the parchment and deposited in the office of the Secretary of State as a part of the Constitution of this State and shall, in all future official revisions of the laws, be published in immediate connection therewith.

#### **§ 1849. Proclamation by governor**

The Governor shall thereupon forthwith issue his or her proclamation, attested by the Secretary of State, reciting the article of amendment and announcing the ratification and adoption of it by the people of this State under this chapter and that the amendment has become a part of the Constitution thereof and requiring all officers and all citizens of the State to take notice thereof and govern themselves accordingly; or that the article of amendment has been rejected, as the case may be.

## § 1850. Transmission of copies of chapter and forms to clerks

(a) The Secretary of State shall send to the clerk of each city and town a copy of this chapter at least two months before the vote on the ratification of an article of amendment.

(b) In any year in which a vote on ratification of an article of amendment is taken, the Secretary of State shall, within the period prescribed by section 1844 of this chapter, send to the clerk of each city and town ballots provided for in that section and blank forms for the returns of votes on the article of amendment.

## CHAPTER 33: APPORTIONMENT OF STATE SENATORS

### § 1881. Number to be elected

Senatorial districts and the number of senators to be elected from each are as follows:

(1) **Addison senatorial district**, composed of the towns of Addison, Bridport, Bristol, Buel's Gore, Cornwall, Ferrisburgh, Goshen, Granville, Hancock, Huntington, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell, Panton, Rochester, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, Weybridge, and Whiting.....**two**;

(2) **Bennington senatorial district**, composed of the towns of Arlington, Bennington, Dorset, Glastenbury, Landgrove, Londonderry, Manchester, Peru, Pownal, Readsboro, Rupert, Sandgate, Searsburg, Shaftsbury, Somerset, Stamford, Stratton, Sunderland, Wilmington, Winhall, and Woodford.....**two**;

(3) **Caledonia senatorial district**, composed of the towns of Barnet, Danville, Groton, Hardwick, Newbury, Peacham, Ryegate, St. Johnsbury, Stannard, Walden, Waterford, and Wheelock..... **one**;

(4) **Chittenden-Central senatorial district**, composed of the city of Winooski, that portion of the town of Essex not included in Chittenden-North Senatorial District, that portion of the town of Colchester not included in Grand Isle Senatorial District, and that portion of the city of Burlington encompassed within a boundary beginning at the point where the eastern boundary line of the city of Burlington intersects with the South Burlington Recreation Path; then westerly along the northern side of the boundary between the South Burlington Recreation Path and the Burlington Country Club to where the South Burlington Recreation Path turns north; then continuing westerly along the northern side of the property boundary of the Burlington Country Club to the property boundary line between 544 South Prospect Street and 500 South Prospect Street; then westerly along the northern side of the property line between 544 South Prospect Street and 500 Prospect Street to where it intersects with South Prospect Street; then northerly along the eastern side of the centerline of South Prospect Street to the intersection of Cliff Street; then westerly along the northern side of the centerline of Cliff Street to the intersection of U.S.

Route 7; then briefly northerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Spruce Street; then westerly along the northern side of the centerline of Spruce Street to the intersection of South Union Street; then northerly along the eastern side of the centerline of South Union Street to the intersection of Adams Street; then westerly along the northern side of the centerline of Adams Street to the intersection of South Winooski Avenue; then northerly along the eastern side of the centerline of South Winooski Avenue to the intersection of Maple Street; then westerly along the northern side of the centerline of Maple Street to the end of Maple Street; then continuing on a line due west across Lake Champlain to the boundary of the city of South Burlington in Lake Champlain; then northerly along the city line of South Burlington in Lake Champlain and continuing along the city line of South Burlington as it follows the eastern shore of Lake Champlain to the boundary of the town of Colchester; then northerly and then southeasterly along the town line of Colchester to the boundary of the city of Winooski; then southeasterly along the city line of Winooski to the boundary of the city of South Burlington; then southwestward along the city line of South Burlington to the point of beginning..... **three**

(5) **Chittenden-North Senatorial District**, composed of towns of Fairfax, Milton, Westford, and that portion of the town of Essex encompassed within a boundary beginning at the point where the western boundary line of the town of Essex intersects with VT Route 2A; then southerly along the eastern side of the centerline of VT Route 2A to the intersection of Gentes Road; then briefly easterly along the northern side of the centerline of Gentes Road to where it intersects with the railroad tracks before Lamore Road; then southerly along the eastern side of the railroad tracks to where they intersect with VT Route 289; then southeasterly along the northeastern side of the centerline of VT Route 289 to the intersection of Upper Main Street; then northeasterly along the northwestern side of the centerline of Upper Main Street to the intersection of Center Road; then easterly along the northern side of the centerline of Center Road to the intersection of Jericho Road; then southeasterly along the northeastern side of the centerline of Jericho Road to the intersection of Allen Martin Drive; then southwestward along the southeastern side of the centerline of Allen Martin Road to the intersection of Sandhill Road; then southerly along the eastern side of Sandhill Road to the intersection of River Road; then westerly along the southern side of the centerline of River Road to where it intersects with Alder Brook; then southerly along the eastern side of Alder Brook to the boundary of the town of Williston; then easterly along the town line of Williston to the boundary of the town of Jericho; then northeasterly along the town line of Jericho to the boundary of the town of Westford; then westerly along the town line of Westford to the boundary of the town of Colchester; then southerly along the town line of Colchester to the point of beginning..... **one**;

(6) **Chittenden-Southeast Senatorial District**, composed of towns of Bolton, Charlotte, Hinesburg, Jericho, Richmond, Shelburne, South Burlington, St. George, Underhill, Williston, and that portion of the city of Burlington not included in Chittenden-Central Senatorial District..... **three**;

(7) **Essex senatorial district**, composed of the towns of Averill, Avery's Gore, Bloomfield, Brighton, Brunswick, Canaan, Concord, Derby, East Haven, Ferdinand, Granby, Guildhall,

Holland, Kirby, Lemington, Lewis, Lunenburg, Lyndon, Maidstone, Morgan, Newport City, Norton, Victory, Warner's Grant, and Warren Gore..... **one**;

(8) **Franklin senatorial district**, composed of the towns of Alburgh, Bakersfield, Berkshire, Enosburgh, Fairfield, Franklin, Georgia, Highgate, Richford, St. Albans City, St. Albans Town, Sheldon, and Swanton..... **two**;

(9) **Grand Isle senatorial district**, composed of the towns of Grand Isle, Isle La Motte, North Hero, South Hero, and that portion of the town of Colchester encompassed within a boundary beginning at the point where the southern boundary line of Colchester and the northern boundary of the city of Winooski intersects with U.S. Route 7; then northerly along the western side of the centerline of U.S. Route 7 to the intersection of Hercules Drive; then easterly along the northern side of the centerline of Hercules Drive; then continue southerly along the eastern side of the centerline of Hercules Drive to the intersection of Vermont National Guard Road; then southeasterly along the northeastern side of the centerline of Vermont National Guard Road to the intersection of Hegeman Avenue; then northeasterly along the northwestern side of the centerline of Hegeman Avenue to the intersection of Barnes Avenue; then briefly northwesterly along the southwestern side of the centerline of Barnes Avenue to the intersection of Troy Avenue; then northeasterly along the northwestern side of the centerline of Troy Avenue to where it joins Hegeman Avenue; then briefly southeasterly along the northeastern side of the centerline of Hegeman Avenue to the intersection of Vermont Avenue; then briefly easterly along the northern side of the centerline of Vermont Avenue to where it intersects with the boundary of the town of Essex; then northeasterly along the town line of Essex to the boundary of the town of Milton; then northwesterly along the town line of Milton to the boundary of the town of South Hero; then southwesterly along the town line of South Hero to the state border of New York; then southerly along the state border of New York to the boundary of the city of South Burlington in Lake Champlain; then easterly along the city line of South Burlington to the boundary of the city of Burlington; then easterly along the city line of Burlington to the boundary of the city of Winooski; then northeasterly along the city line of Winooski; then continue along the city line of Winooski to the point of beginning..... **one**;

(10) **Lamoille senatorial district**, composed of the towns of Belvidere, Cambridge, Eden, Elmore, Fletcher, Hyde Park, Johnson, Morristown, Waterville, and Wolcott..... **one**;

(11) **Orange senatorial district**, composed of the towns of Bradford, Brookfield, Chelsea, Corinth, Fairlee, Randolph, Strafford, Topsham, Tunbridge, Vershire, Washington, West Fairlee and Williamstown.....**one**;

(12) **Orleans Senatorial District**, composed of the towns of Albany, Barton, Brownington, Burke, Charleston, Coventry, Craftsbury, Glover, Greensboro, Irasburg, Jay, Lowell, Montgomery, Newport Town, Newark, Sheffield, Sutton, Troy, Westfield, and Westmore..... **one**

(13) **Rutland senatorial district**, composed of the towns of Benson, Brandon, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Killington, Mendon, Middletown Springs, Mt. Holly, Mt. Tabor, Pawlet, Pittsford, Poultney, Proctor, Rutland City, Rutland Town,

Shrewsbury, Sudbury, Tinmouth, Wallingford, Wells, West Haven, and West Rutland.....  
**three;**

(14) **Washington senatorial district**, composed of the towns of Barre City, Barre Town, Berlin, Braintree, Cabot, Calais, Duxbury, East Montpelier, Fayston, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Orange Plainfield, Roxbury, Stowe, Waitsfield, Warren, Waterbury, Woodbury, and Worcester..... **three;**

(12) **Windham senatorial district**, composed of the towns of Athens, Brattleboro, Brookline, Dover, Dummerston, Grafton, Guilford, Halifax, Jamaica, Marlboro, Newfane, Putney, Rockingham, Townshend, Vernon, Wardsboro, Westminster, Whitingham, and Windham..... **two;**

(13) **Windsor senatorial district**, composed of the towns of Andover, Baltimore, Barnard, Bethel, Bridgewater, Cavendish, Chester, Hartford, Hartland, Ludlow, Norwich, Pittsfield, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Springfield, Stockbridge, ThetfordWeathersfield, Weston, West Windsor, Windsor, and Woodstock..... **three.**

#### **§ 1881a. Senatorial districts; nominations and election**

(a) The laws relating to the election of Senators in single counties shall apply in senatorial districts except as their application may be inconsistent with this section or the structure of those districts.

(b) In senatorial districts, the senatorial district clerk shall be the county clerk for those towns within the district aggregating the largest population.

(c)(1) Petitions for nominating candidates for Senator in the General Assembly by primary or by certificates of nomination of candidates for that office by convention, caucus, committee, or voters under chapter 49 of this title may be filed in the office of any county clerk in a senatorial district.

(2)(A) On the day after the last day for filing those petitions or certificates for that office, the other county clerk shall notify the senatorial district clerk of the facts concerning those petitions or certificates.

(B) The senatorial district clerk shall be responsible for determining the names of candidates and other facts required by law to appear on the ballot for the office of Senator, and for obtaining and distributing the ballots to the other clerks in the district.

(d) The clerk of the less populous county in a senatorial district shall report the results of voting in his or her county immediately after they are determined to the senatorial district clerk, who shall issue the certificates of nomination or election required by law as to the office of Senator.

(e) The canvassing of votes in a senatorial district shall be done in each county in the district as in the case of single counties, but the clerk of the less populous county in a senatorial district shall

send a copy of the appropriate certificate to the clerk of the senatorial district who shall issue necessary certificates for the senatorial district.

## **CHAPTER 34: APPORTIONMENT OF STATE REPRESENTATIVES**

### **§ 1891. Statement of policy**

The order of the United States district court for the district of Vermont entered August 3, 1964, modified and affirmed by the Supreme Court of the United States, January 12, 1965 (Parsons v. Buckley, 85 S.Ct. 503, 379 U.S. 359, 13 L.Ed.2d 352) requires that both houses of the general assembly of Vermont be apportioned and districted on a basis other than the manner provided for in the constitution of this state. Such order further provides that if reapportionment legislation is not enacted by July 1, 1965, the district court shall reapportion the general assembly so as to comply with the equal protection clause of the Fourteenth Amendment to the United States Constitution. In the light of this order, the general assembly of Vermont declares that apportioning and districting is primarily a responsibility of the legislature at this time to be accomplished by this chapter, and in such a manner as to achieve substantial equality in the choice of members of the general assembly as guaranteed by the Constitution of the United States of America. It is further declared to be the policy of the state of Vermont that the constitutional basis of apportionment of the House of Representatives can best be measured in this state by population.

### **§ 1891a. Definitions**

As used in this chapter and in chapter 34A of this title:

- (1) "Initial district" or "district" means a district created by law in the final plan enacted pursuant to section 1906 of this title and listed in section 1893 of this title.
- 2) "Representative district" means a district from which one or two representatives are elected.

### **§ 1892. House of Representatives membership**

The House of Representatives shall consist of 150 members, each of whom shall be elected from a district established by law. No person shall be elected a representative until he or she has resided in this state two years, the last of which shall be in the district for which he or she is elected.

### **§ 1893b. Initial division**

Notwithstanding the processes outlined in 17 V.S.A. chapter 34A regarding the enactment of initial districts and the subdivision of initial districts, for the 2022 reapportionment of the House of

Representatives, the State is divided into the following districts for the House of Representatives, each of which shall be entitled to the indicated number of Representatives:

<b>District</b>	<b>Towns and Cities</b>	<b>Representatives</b>
<b>Addison-1</b>	That portion of the town of Middlebury encompassed within a boundary beginning at the point where the northern boundary line of Middlebury intersects with U.S. Route 7; then southerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Main Street; then southwesterly along the southeastern side of the centerline of Main Street to the traffic circle; then along the southeastern side of the centerline of the northwestern section of the traffic circle to the beginning of College Street; then westerly along the southern side of the centerline of College Street to the intersection of Weybridge Street; then northwesterly along the southwestern side of the centerline of Weybridge Street to the boundary of the town of Weybridge; then westerly along the town line of Weybridge to the boundary of the town of Cornwall; then southerly along the town line of Cornwall to the boundary of the town of Salisbury; then easterly along the town line of Salisbury to the boundary of the town of Ripton; then northerly along the town line of Ripton to the boundary of Bristol; then northerly then westerly along the town line of Bristol to the boundary of the town of New Haven; then westerly along the town line of New Haven to the point of beginning	<b>2</b>
<b>Addison-2</b>	Cornwall, Goshen, Leicester, Ripton, and Salisbury	<b>1</b>
<b>Addison-3</b>	Addison, Ferrisburgh, Panton, Vergennes, Waltham and that portion of the town of New Haven encompassed within a boundary beginning at the point where the northeastern boundary line of New Haven intersects with the Mud Creek tributary running parallel to Lime Kiln Road; then southerly along the western side of the Mud Creek tributary running parallel to Lime Kiln Road to where the Mud Creek tributary intersects with U.S. Route 7; then southerly along the western side of the centerline of U.S. Route 7 to where it intersects with the New Haven River; then westerly along the northern side of the New Haven River to where it intersects with the Otter Creek; then westerly along the northern side of the Otter Creek to where it intersects with Morgan Horse Farm Road and the boundary of the town of Weybridge; then westerly along the town line of Weybridge to the boundary of the town of Waltham; then easterly then northerly along the town line of Waltham to the boundary of the town of Ferrisburgh; then easterly along the town line of Ferrisburgh to the point of beginning	<b>2</b>

- Addison-4** Bristol, Lincoln, Monkton, and Starksboro 2
- Addison-5** Bridport, Weybridge, that portion of the town of Middlebury not included in ADDISON-1, and that portion of the town of New Haven not included in ADDISON-3 1
- Addison-Rutland** Hubbardton, Orwell, Shoreham, Sudbury, and Whiting 1
- Bennington-1** Readsboro, Searsburg, Stamford, Woodford, and that portion of the town of Pownal encompassed within a boundary beginning at the point where the northern boundary line of the town of Pownal intersects with VT Route 7; then southerly along the western side of the centerline of VT Route 7 to the intersection of Barber Pond Road; then easterly along the southern side of the centerline of Barber Pond Road to the intersection of South Stream Road; then easterly along the south side of the centerline of South Stream Road to where it intersects with the power lines after 620 South Stream Road and before 802 South Stream Road; then easterly along the southern side of the power lines to where the power lines intersect with the boundary of the town of Stamford approximately one mile north of County Road; then southerly along the town line of Stamford to the state border of Massachusetts; then easterly along the state border of Massachusetts to the state border of New York; then northerly along the state border of New York to the boundary of the town of Bennington; then easterly along the town line of Bennington to the point of beginning 1
- Bennington-2** That portion of the town of Bennington encompassed within a boundary beginning at the point where the eastern boundary line of the town of Bennington intersects with VT Route 9; then westerly along the northern side of the centerline of VT Route 9 to where it intersects with Roaring Branch; then easterly along the northern side of Roaring Branch to where it intersects with Park Street; then southerly along the western side of the centerline of Park Street to the intersection of Gage Street; then westerly along the northern side of the centerline of Gage Street to the intersection of North Street; then southerly along the western side of the centerline of North Street to the intersection of Main Street; then northwesterly along the northern side of the centerline of Main Street to the intersection of Dewey Street; then southerly along the western side of the centerline of Dewey Street to the intersection of Monument Avenue Extension; then southerly along the western side of Monument Avenue Extension to the intersection of Carpenter Hill Road; then briefly easterly along the southern side of the centerline of Carpenter Hill Road to the intersection of U.S. Route 7; then southerly along the western side of the centerline of U.S. Route 7

to the boundary of the town of Pownal; then westerly along the town line of Pownal to the state border of New York; then northerly along the state border of New York to the boundary of the town of Shaftsbury; then easterly along the town line of Shaftsbury to the boundary of the town of Woodford; then southerly along the town line of Woodford to the point of beginning 2

**Bennington-3** Glastenbury, Shaftsbury, and that portion of the town of Sunderland encompassed within a boundary beginning at the point where the northern boundary line of the town of Sunderland intersects with the Batten Kill River; then southwesterly along the eastern side of the Batten Kill River to where it intersects with Sunderland Hill Road; then westerly along the southern side of the centerline of Sunderland Hill Road to the intersection of Borough Road; then southerly along the eastern side of the centerline of Borough Road to the intersection of North Road; then southerly along the eastern side of the centerline of North Road to the intersection of Shady Pines; then southwesterly along the eastern side of the centerline of Shady Pines to the intersection of Kesick Swamp Road; then easterly along the northern side of the centerline of Kesick Swamp Road to the intersection of North Road; then briefly southerly along the eastern side of the centerline of North Road to the intersection of U.S. Route 7; then southerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Kansas Road; then westerly along the southern side of the centerline of Kansas Road to the boundary of the town of Arlington; then southerly along the town line of Arlington to the boundary of the town of Glastenbury; then easterly along the town line of Glastenbury to the boundary of the town of Somerset; then northerly along the town line of Somerset to the boundary of the town of Stratton; then northerly along the town line of Stratton to the boundary of the town of Winhall; then westerly along the town line of Winhall to the boundary of the town of Manchester; then westerly along the town line of Manchester to the point of beginning 1

**Bennington-4** Arlington, Manchester, Sandgate, and that portion of the town of Sunderland not included in BENNINGTON-3 2

**Bennington-5** That portion of the town of Bennington not included in BENNINGTON-2 and that portion of the town of Pownal not included in BENNINGTON-1 2

**Bennington-Rutland** Danby, Dorset, Landgrove, Mount Tabor, and Peru 1

<b>Caledonia-1</b>	Barnet, Ryegate, and Waterford	<b>1</b>
<b>Caledonia-2</b>	Hardwick, Stannard, and Walden	<b>1</b>
<b>Caledonia-3</b>	Lyndon, Newark, Sheffield, Sutton, and Wheelock	<b>2</b>
<b>Caledonia-Essex</b>	Concord, Kirby, and St. Johnsbury	<b>2</b>
<b>Caledonia-Washington</b>	Cabot, Danville, and Peacham	<b>1</b>
<b>Chittenden-1</b>	Richmond	<b>1</b>
<b>Chittenden-2</b>	That portion of the town of Williston encompassed within a boundary beginning at the point where the southern boundary line of the town of Williston intersects with Oak Hill Road; then northerly along the eastern side of the centerline of Oak Hill Road to the intersection of Old Creamery Road; then westerly along the northern side of the centerline of Old Creamery Road to the intersection of VT Route 2A; then northerly along the eastern side of the centerline of VT Route 2A to where it intersects with the southbound lane of Interstate 89; then westerly along the northern side of the southbound lane of Interstate 89 to the boundary of the city of South Burlington; then northerly along the city line of South Burlington to the boundary of the town of Essex; then easterly along the town line of Essex to the boundary of the town of Jericho; then southerly along the town line of Jericho to the boundary of the town of Richmond; then southwesterly along the town line of Jericho to the boundary of the town of Hinesburg; then westerly along the town line of Hinesburg to the boundary of the town of St. George; then briefly northwesterly along the town line of St. George to the point of beginning	<b>2</b>
<b>Chittenden-3</b>	Jericho and Underhill	<b>2</b>
<b>Chittenden-4</b>	That portion of the town of Hinesburg not included in CHITTENDEN-5	<b>1</b>
<b>Chittenden-5</b>	Charlotte and that portion of the town of Hinesburg encompassed within a boundary beginning at the point where the western boundary line of the town of Hinesburg intersects with Burritt Road; then northeasterly along the southeastern side of the centerline of Burritt Road to the intersection of Baldwin Road; then southerly along the western side of the centerline of Baldwin Road to the boundary of the town of Monkton; then westerly along the town line of Monkton to the boundary of the town of Charlotte; then northerly along the town line of Charlotte to the point of beginning	<b>1</b>

**Chittenden-6** That portion of the town of Shelburne encompassed within a boundary beginning at the point where the boundary line of Shelburne and the town of Charlotte intersects with the shore of Lake Champlain; then northerly along the shore of Lake Champlain to the mouth of Munroe Brook, including all of the lake that is part of the town of Shelburne; then upstream along the western side of the centerline of Munroe Brook to the intersection with Spear Street; then southerly along the western side of the centerline of Spear Street to the boundary of Charlotte; then westerly along the Charlotte town line to the point of beginning **1**

**Chittenden-7** St. George and that portion of the town of Shelburne not included in CHITTENDEN-6 **1**

**Chittenden-8** That portion of the town of Williston not included in CHITTENDEN-2 and that portion of the city of South Burlington not included in CHITTENDEN-9, CHITTENDEN-10, CHITTENDEN-11, or CHITTENDEN-12 **1**

**Chittenden-9** That portion of the city of South Burlington encompassed within a boundary beginning at the point where the eastern boundary line of the city of South Burlington intersects with U.S. Route 2; then westerly along the southern side of the centerline of U.S. Route 2 to the intersection of Hinesburg Road; then southerly along the eastern side of the centerline of Hinesburg Road to the intersection of Kennedy Drive; then westerly along the southern side of the centerline of Kennedy Drive to the intersection of Dorset Street; then southerly along the eastern side of the centerline of Dorset Street to the intersection of Park Road; then easterly along the northern side of the centerline of Park Road to where it intersects with Tributary 7 of the Potash Brook before Golf Course Road; then northeasterly along the northwestern side of Tributary 7 of the Potash Brook to where it connects to a second branch of Tributary 7 of the Potash Brook east of the Wheeler Park Trail Head at the southeast corner of Brand Farm Drive; then southeasterly along the northwestern side of the second branch of Tributary 7 of the Potash Brook to where it intersects with Moss Glen Lane; then briefly easterly along the northern side of the centerline of Moss Glen Lane to the intersection of Mill Pond Lane; then northeasterly along the northwestern side of the centerline of Mill Pond Lane to the intersection of Oak Creek Drive; then southerly along the eastern side of Oak Creek Drive to the intersection of Butler Drive; then easterly along the northern side of Butler Drive to the intersection of Hinesburg Road; then northerly along the western side of Hinesburg Road to where it intersects with the southbound lane of Interstate 89; then easterly along the northern side of the southbound lane of Interstate 89 to the boundary of the town of

Williston; then northerly along the town line of Williston to the point of beginning **1**

**Chittenden-10** That portion of the city of South Burlington encompassed within a boundary beginning at the point where the eastern boundary line of the city of South Burlington intersects with Williston Road; then westerly along the northern side of the centerline of Williston Road to the intersection of Hinesburg Road; then southerly along the western side of the centerline of Hinesburg Road to the intersection of Kennedy Drive; then westerly along the northern side of the centerline of Kennedy Drive to the intersection of Dorset Street; then northerly along the eastern side of the centerline of Dorset Street to the intersection of Williston Road; then westerly along the northern side of the centerline of Williston Road to the boundary of the city of Burlington; then northeasterly along the city line of Burlington to the boundary of the city of Winooski; then northeasterly along the city line of Winooski to the boundary of the town of Colchester; then easterly along the town line of Colchester to the boundary of the town of Essex; then easterly along the town line of Essex to the boundary of the town of Williston; then southerly along the town line of Williston to the point of beginning **1**

**Chittenden 11** That portion of the city of South Burlington encompassed within a boundary beginning at the point where the northern boundary line of the city of South Burlington intersects with Williston Road; then southeasterly along the southern side of the centerline of Williston Road to the intersection of Dorset Street; then southerly along the western side of the centerline of Dorset Street to the intersection of Swift Street; then westerly along the northern side of the centerline of Swift Street to the boundary of the city of Burlington at U.S. Route 7; then northerly along the city line of Burlington, then follow the city line of Burlington to the point of beginning **1**

**Chittenden-12** That portion of the city of South Burlington encompassed within a boundary beginning at the point where the western boundary line of the city of South Burlington intersects with Swift Street at the intersection of Swift Street and U.S. Route 7; then easterly along the southern side of the centerline of Swift Street to the intersection of Dorset Street; then southerly along the western side of the centerline of Dorset Street to the intersection of Nowland Farm Road; then westerly along the northern side of the centerline of Nowland Farm Road to the intersection of Spear Street; then southerly along the western side of the centerline of Spear Street to the intersection of Allen Road; then westerly along the northern side of Allen Road to the intersection of U.S. Route 7; then briefly southerly along the western side of the centerline of U.S. Route 7 to the boundary of the town of Shelburne; then westerly along the town line of Shelburne to where it intersects with Shelburne Bay;

then northerly along the eastern side of the town line of Shelburne as it runs along Shelburne Bay; then westerly along the town line of Shelburne across Lake Champlain to the state border of New York; then northerly along the state border of New York to the boundary of the town of Colchester; then easterly along the town line of Colchester to the boundary of the city of Burlington; then southerly along the city line of Burlington, then follow the city line of Burlington to the point of beginning **1**

**Chittenden-13** That portion of the city of Burlington encompassed within a boundary beginning at the point where the eastern boundary line of the city of Burlington intersects with South Burlington Recreation Path; then westerly along the southern side of the boundary between the South Burlington Recreation Path and the Burlington Country Club to where the South Burlington Recreation Path turns north; then continuing westerly along the southern side of the property line of the Burlington Country Club to the property boundary line between 544 South Prospect Street and 500 South Prospect Street; then westerly along the southern side of the property line between 544 South Prospect Street and 500 Prospect Street to where it intersects with South Prospect Street; then northerly along the western side of the centerline of South Prospect Street to the intersection of Cliff Street; then westerly along the southern side of the centerline of Cliff Street to the intersection of U.S. Route 7; then briefly northerly along the western side of the centerline of U.S. Route 7 to the intersection of Spruce Street; then westerly along the southern side of the centerline of Spruce Street to the intersection of South Union Street; then northerly along the western side of the centerline of South Union Street to the intersection of Adams Street; then westerly along the southern side of the centerline of Adams Street to the intersection of South Winooski Avenue; then northerly along the western side of the centerline of South Winooski Avenue to the intersection of Maple Street; then westerly along the southern side of the centerline of Maple Street to the end of Maple Street; then continue in a line due west to the boundary of the city of South Burlington in Lake Champlain; then southeasterly along the city line of South Burlington, then follow the city line of South Burlington to the point of beginning **2**

**Chittenden-14** That portion of the city of Burlington encompassed within a boundary beginning at the point where the eastern boundary line of the city of Burlington intersects with the South Burlington Recreation Path; then westerly along the northern side of the boundary between the South Burlington Recreation Path and the Burlington Country Club to where the South Burlington Recreation Path turns north; then continuing westerly along the northern side of the property boundary of the Burlington Country Club to the

property boundary line between 544 South Prospect Street and 500 South Prospect Street; then westerly along the northern side of the property line between 544 South Prospect Street and 500 Prospect Street to where it intersects with South Prospect Street; then northerly along the eastern side of the centerline of South Prospect Street to the intersection of Cliff Street; then westerly along the northern side of the centerline of Cliff Street to the intersection of U.S. Route 7; then briefly northerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Spruce Street; then westerly along the northern side of the centerline of Spruce Street to the intersection of South Union Street; then northerly along the eastern side of the centerline of South Union Street to the intersection of Adams Street; then westerly along the northern side of the centerline of Adams Street to the intersection of South Winooski Avenue; then northerly along the eastern side of the centerline of South Winooski Avenue to the intersection of Buel Street; then easterly along the southern side of the centerline of Buel Street to the intersection of South Union Street; then northerly along the eastern side of the centerline of South Union Street to the intersection of Pearl Street; then easterly along the southern side of the centerline of Pearl Street to the intersection of U.S. Route 7; then southerly along the western side of the centerline of U.S. Route 7 to the intersection of College Street; then easterly along the southern side of the centerline of College Street to the intersection of South Prospect Street; then southerly along the western side of the centerline of South Prospect Street to the intersection of U.S. Route 2; then southeasterly along the southwestern side of the westbound lane of U.S. Route 2 to the boundary of the city of South Burlington; then southerly along the city line of South Burlington to the point of beginning **2**

**Chittenden 15** That portion of the city of Burlington encompassed within a boundary beginning at the point where the northern boundary line of the city of Burlington intersects with the railroad tracks crossing the Winooski River; then westerly along the southern side of the railroad tracks to where they intersect with a point representing the end of a straight line extension from the centerline of Hyde Street to the railroad tracks; then southwestwardly along the eastern side of the straight line extension from the centerline of Hyde Street to the intersection of Hyde Street and Riverside Avenue; then southerly along the eastern side of the centerline of Hyde Street to the intersection of North Willard Street; then southerly along the eastern side of the centerline of North Willard Street to the intersection of North Street; then westerly along the southern side of the centerline of North Street to the intersection of North Winooski Avenue; then southerly along the eastern side of the centerline of North Winooski Avenue to the intersection of Pearl Street; then easterly along the northern side of the centerline of

Pearl Street to the intersection of South Willard Street; then southerly along the eastern side of the centerline of South Willard Street to the intersection of College Street; then easterly along the northern side of the centerline of College Street to the intersection of South Prospect Street; then southerly along the eastern side of the centerline of South Prospect Street to the intersection of U.S. Route 2; then southeasterly along the northeastern side of the westbound lane of U.S. Route 2 to the boundary of the city of South Burlington; then southeasterly along the city line of South Burlington and then follow the city line of South Burlington to the boundary of the city of Winooski; then northwesterly along the city line of Winooski to the point of beginning 2

**Chittenden-16** That portion of the city of Burlington not included in CHITTENDEN-13, CHITTENDEN-14, CHITTENDEN-15, CHITTENDEN-17, and CHITTENDEN-18 2

**Chittenden-17** That portion of the city of Burlington encompassed within a boundary beginning at the point where the northern boundary line of the city of Burlington intersects with the railroad tracks crossing the Winooski River; then westerly along the northern side of the centerline of the railroad tracks to where it intersects with a point representing the end of a straight line extension from the end of the centerline of Spring Street; then southeasterly along the southwestern side of the straight line extension from the end of Spring Street to the intersection of Manhattan Drive and Spring Street; then westerly along the northern side of the centerline of Manhattan Drive to the intersection of Park Street; then southerly along the western side of the centerline of Park Street to the intersection of College Street; then westerly along the northern side of the centerline of College Street to the end of College Street; then westerly on the northern side of a line drawn from the end point of College Street due west to the boundary of the city of South Burlington in Lake Champlain; then northerly along the city line of South Burlington to where it intersects with Appletree Point; then northeasterly then southeasterly along the southeastern side of the shore of Lake Champlain to where the northwestern property line of Leddy Park intersects with the shore of Lake Champlain; then northeasterly along the southern side of that property line and continuing from that property line in a straight line to the intersection of North Avenue; then southeasterly along the southwestern side of the centerline of North Avenue to the southern boundary of Farrington's Trailer Park; then northeasterly and then northwesterly along the boundary of Farrington's Trailer Park and the back property lines of property fronting Lopes Avenue to the northwest corner of the corner lot at the intersection of Lopes Avenue and Roseade Parkway, including all the residences on Lopes Avenue and Blondin Circle; then

northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court, including all the residences on Roseade Parkway; then turning northwesterly along the back property lines of property fronting Arlington Court to the intersection of the back property lines of property fronting Farrington Parkway on the southern side; then easterly along those back property lines to Farrington Parkway; then easterly along the southern side of the centerline of Farrington Parkway to the intersection of Ethan Allen Parkway, including all units at 282 Ethan Allen Parkway; then northerly along the eastern side of the centerline of Ethan Allen Parkway to the intersection of VT Route 127; then northwesterly along the northern side of the centerline of VT Route 127 to the intersection of the boundary of the town of Colchester at the Heineberg Bridge over the Winooski River; then northerly and easterly along the town line of Colchester and then follow the town line of Colchester southerly to the boundary of the city of Winooski; then southerly along the city line of Winooski to the point of beginning

1

**Chittenden-18** That portion of the city of Burlington encompassed within a boundary beginning at the point where the northwestern property line of Leddy Park intersects with the shore of Lake Champlain; then northeasterly along the northern side of that property line and continuing from that property line in a straight line to the intersection of North Avenue; then southeasterly along the northeastern side of the centerline of North Avenue to the southern boundary of Farrington's Trailer Park; then northeasterly and then northwesterly along the boundary of Farrington's Trailer Park and the back property lines of property fronting Lopes Avenue to the northwest corner of the corner lot at the intersection of Lopes Avenue and Roseade Parkway, including all of the residences in Farrington's Trailer Park and on Poirier Place; then northeasterly along the back property lines between property fronting on Roseade Parkway and Arlington Court, including all the residences on Arlington Court; then turning northwesterly along the back property lines of property fronting Arlington Court to the intersection of the back property lines of property fronting Farrington Parkway on the southern side; then easterly along those back property lines to Farrington Parkway; then easterly along the northern side of the centerline of Farrington Parkway to the intersection of Ethan Allen Parkway; then northerly along the western side of the centerline of Ethan Allen Parkway to the intersection of VT Route 127; then northwesterly along the southern side of the centerline of VT Route 127 to the intersection of the boundary of the town of Colchester at the Heineberg Bridge over the Winooski River; then northerly and westerly along the Colchester town line to the intersection with Lake Champlain; then

southerly along the shore of Lake Champlain to the point of beginning 2

**Chittenden-19** That portion of the town of Colchester encompassed within a boundary beginning at the point where the southern boundary line of the town of Colchester intersects with the southbound lane of Interstate 89; then northerly along the eastern side of the southbound lane of Interstate 89 to where it intersects with Sunderland Brook; then easterly along the northern side of Sunderland Brook to where it intersects with U.S. Route 7; then northerly along the western side of the centerline of U.S. Route 7 to the intersection of Blakely Road; then westerly along the southern side of the centerline of Blakely Road to where it intersects with the southbound lane of Interstate 89; then northerly along the western side of the southbound lane of Interstate 89 to where it intersects with the Malletts Creek; then following Malletts Creek westerly out to its mouth joining Malletts Bay; then westerly on the south side of a line drawn across Malletts Bay from Interstate 89 to the boundary of the town of South Hero; then southwestwardly along the town line of South Hero to the boundary of the state of New York; then southerly along the border of the state of New York to the boundary of the city of South Burlington; then easterly along the city line of South Burlington to the boundary of the city of Burlington; then southeasterly along the city line of Burlington to the boundary of the city of Winooski; then easterly along the city line of Winooski to the point of beginning 2

**Chittenden-20** That portion of the town of Colchester not included in CHITTENDEN-19 2

**Chittenden-21** Winooski 2

**Chittenden-22** That portion of Essex encompassed within a boundary beginning at the point where the southern boundary line of the town of Essex intersects with the property boundary between 18 River Road and 30 River Road; then northerly along the western side of the property boundary between 18 River Road and 30 River Road to the intersection of River Road; then briefly easterly along the northern side of the centerline of River Road to 3 River Road; then turning northeasterly along the western side of the property line of 3 River Road to the southwestern corner of the property boundary of 56 Forest Road; then northeasterly along the western side of the back property lines of the properties fronting the west side of Forest Road; then turning west-northwesterly along the western side of the back property lines of the properties fronting the west side of Forest Road to the intersection of the back property lines of the properties fronting the west side of Sidney Drive; then

northwesterly along the western side of the back property lines of the properties fronting the west side of Sidney Drive to the intersection of the back property lines of the properties fronting the east and north sides of Chestnut Lane; then turning northwesterly along the southwestern side of the back property lines of the properties fronting the east and north sides of Chestnut Lane, the north side of Beech Street, then the north and west sides of Spruce Lane to the intersection of the southern property boundary line of 39 Essex Way; then northwesterly along the southern side of the property line of 39 Essex Way to where it intersects with the Indian Brook; then southerly along the eastern side of the Indian Brook to where it intersects with Hubbells Falls Drive; then northwesterly along the southwestern side of the centerline of Hubbells Falls Drive to the intersection of Juniper Ridge Road; then southwestly along the southeastern side of the centerline of Juniper Ridge Road to the intersection of Fairview Drive; then southerly following along the southeastern and then southwestern side of the centerline of Fairview Drive to the intersection of Hawthorne Circle; then westerly and northerly along the western and northern side of the centerline of Hawthorne Circle to the intersection of Fairview Drive; then northwesterly along the southwestern side of the centerline of Fairview Drive to the intersection of Main Street; then southwestly along the southeastern side of the centerline of Main Street to the intersection of Crestview Road; then northwesterly along the southwestern side of the centerline of Crestview Road to the intersection of Drury Drive; then northeasterly along the southwestern side of the centerline of Drury Drive to the intersection of Meadow Terrace; then northwesterly along the southwestern side of the centerline of Meadow Terrace to the intersection of Upland Road; then southwestly along the southeastern side of the centerline of Upland Road to the intersection of Drury Drive; then southwestly along the southeastern side of the centerline of Drury Drive to the intersection of Educational Drive; then northwesterly along the southwestern side of the centerline of Educational Drive to the intersection of Old Colchester Road and Grove Street; then southerly along the eastern side of Grove Street to the intersection of North Street; then briefly westerly along the southern side of the centerline of North Street to the intersection of Lincoln Street; then northerly along the western side of the centerline of Lincoln Street and continuing on the western side of Lincoln Street when it turns into Colchester Road to where Colchester Road intersects with the property boundary line between 78 Lincoln Street and 98 Colchester Road; then southwestly along the southeastern side of the property boundary line between 78 Lincoln Street and 98 Colchester Road to where it intersects with the Indian Brook; then westerly along the southern side of the back property lines of those

properties fronting the south side of Pinecrest Drive to the intersection of the back property lines of the properties fronting the end of Hampshire Court; then southwesterly along the southeastern side of the back property lines of the properties fronting the end of Hampshire Court and fronting the east side of Dartmoor Court; then turning northwesterly along the southern side of the back property lines of property fronting the northeast side of Edgewood Drive to the intersection of the back property lines of the properties fronting the west side of Warner Avenue; then turning southwesterly along the southeastern side of the back property lines of the properties fronting the west side of Warner Avenue to the end of the Sunderland Brook; then turning southeasterly along the northeastern side of the property boundary between 2 Warner Avenue and 4 Warner Avenue to the intersection of Warner Avenue; then southwesterly along the southeastern side of the centerline of Warner Avenue to the intersection of Pearl Street; then northwesterly along the southern side of the centerline of Pearl Street to where it intersects with the powerlines running perpendicular to Pearl Street between 235 Pearl Street and 241 Pearl Street; then southerly along the eastern side of the powerlines to where they intersect with the boundary of the city of South Burlington; then southeasterly along the city line of South Burlington to the boundary of the town of Williston; then easterly along the town line of Williston to the point of beginning 2

**Chittenden-23** That portion of the town of Essex not included in CHITTENDEN-22 or CHITTENDEN-24 2

**Chittenden 24** That portion of the town of Essex encompassed within a boundary beginning at the point where the western boundary line of the town of Essex intersects with VT Route 2A; then southerly along the eastern side of the centerline of VT Route 2A to the intersection of Gentes Road; then briefly easterly along the northern side of the centerline of Gentes Road to where it intersects with the railroad tracks before Lamore Road; then southerly along the eastern side of the railroad tracks to where they intersect with VT Route 289; then southeasterly along the northeastern side of the centerline of VT Route 289 to the intersection of Upper Main Street; then northeasterly along the northwesterly side of the centerline of Upper Main Street to the intersection of Center Road; then easterly along the northern side of the centerline of Center Road to the intersection of Jericho Road; then southeasterly along the northeastern side of the centerline of Jericho Road to the intersection of Allen Martin Drive; then southwesterly along the southeastern side of the centerline of Allen Martin Road to the intersection of Sandhill Road; then southerly along the eastern side of Sandhill Road to the intersection of River Road; then westerly along the southern side of the centerline of River Road to where it

intersects with Alder Brook; then southerly along the eastern side of Alder Brook to the boundary of the town of Williston; then easterly along the town line of Williston to the boundary of the town of Jericho; then northeasterly along the town line of Jericho to the boundary of the town of Westford; then westerly along the town line of Westford to the boundary of the town of Colchester; then southerly along the town line of Colchester to the point of beginning **1**

**Chittenden-25** Westford and that portion of the town of Milton encompassed within a boundary beginning at the point where the southern boundary line of the town of Milton intersects with Middle Road; then northerly along the eastern side of the centerline of Middle Road to the intersection of Hobbs Road; then easterly along the southern side of the centerline of Hobbs Road to the intersection of McMullen Road; then northerly along the eastern side of the centerline of McMullen Road to the intersection of Kingsbury Crossing; then easterly along the southern side of the centerline of Kingsbury Crossing to where it intersects with the railroad tracks; then northerly along the eastern side of the railroad tracks to where they intersect Railroad Street; then northerly along the eastern side of the centerline of Railroad Street to the intersection of Main Street; then easterly along the southern side of the centerline of Main Street to the intersection of North Road; then northerly along the eastern side of the centerline of North Road to where it intersects with the railroad tracks at the intersection of Cooper Road; then northerly along the eastern side of the railroad tracks to where they intersect with the boundary of the town of Georgia; then southeasterly along the town line of Georgia to the boundary of the town of Westford; then southwesterly along the town line of Westford to the boundary of the town of Colchester; then westerly along the town line of Colchester to the point of beginning **1**

**Chittenden-Franklin** That portion of the town of Milton not included in CHITTENDEN-25 or GRAND ISLE-CHITTENDEN and that portion of the town of Georgia encompassed within a boundary beginning at the point where the southern boundary line of the town of Georgia intersects with the northbound lane of Interstate 89; then northerly along the eastern side of the northbound lane of Interstate 89 to where it intersects with U.S. Route 7; then southerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Highbridge Road; then southeasterly along the southern side of the centerline of Highbridge Road to Arrow Head Lake Road; then southerly and westerly along the western side of Arrow Head Lake Road to the intersection of Georgia Mountain Road; then westerly along the southern side of the centerline of Georgia Mountain Road to where it intersects with the railroad tracks on the southern bank of the Lamoille River; then southerly

along the western side of the railroad tracks to the boundary of the town of Milton; then northeasterly along the town line of Milton to the point of beginning **2**

**Essex-Caledonia** Bloomfield, Brunswick, Burke, East Haven, Ferdinand, Granby, Guildhall, Lunenburg, Maidstone, and Victory **1**

**Essex-Orleans** Averill, Avery's Gore, Brighton, Canaan, Charleston, Holland, Lemington, Lewis, Morgan, Norton, Warner's Grant, and Warren's Gore **1**

**Franklin-1** Fairfax and that portion of the town of Georgia not included in CHITTENDEN-FRANKLIN **2**

**Franklin-2** That portion of the Town of St. Albans encompassed within a boundary beginning at the point where the southern boundary line of the Town of St. Albans intersects with U.S. Route 7; then northeasterly along the northwestern side of the centerline of U.S. Route 7 to the boundary of the City of St. Albans; then northwesterly along the town line of the City of St. Albans to the intersection of Congress Street; then easterly along the northern side of the centerline of Congress Street to the intersection of VT Route 104; then northeasterly along the northwestern side of the centerline of VT Route 104 to where it intersects with the southbound lane of Interstate 89; then southerly along the eastern side of the southbound lane of Interstate 89 to the boundary of the town of Fairfield; then northeasterly along the town line of Fairfield to the boundary of the town of Swanton; then northwesterly along the town line of Swanton to the boundary of the town of North Hero; then southerly along the town line of North Hero to the boundary of the town of Grand Isle; then southerly along the town line of Grand Isle to the boundary of the town of Georgia; then northeasterly along the town line of Georgia to the point of beginning **1**

**Franklin-3** That portion of the City of St. Albans encompassed within a boundary beginning at the point where the southwestern boundary line of the City of St. Albans intersects with the property boundary line between 2 Bowles Lane and 28 Guyette Circle; then northeasterly along the northwestern side of the property boundary line between 2 Bowles Lane and 28 Guyette Circle to the intersection of Bowles Lane, Guyette Circle, and Edward Street; then northeasterly along the northwestern side of the centerline of Edward Street to the intersection of Lake Street; then easterly along the northern side of the centerline of Lake Street to the intersection of U.S. Route 7; then southerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Diamond Street; then easterly along the northern side of the centerline of

Diamond Street to the intersection of Lincoln Avenue; then northerly along the western side of the centerline of Lincoln Avenue to the intersection of Fairfield Street; then southeasterly along the northeastern side of Fairfield Street to the boundary line of the Town of St. Albans; then northerly along the town line of the Town of St. Albans, then follow the town line to the point of beginning **1**

**Franklin-4** Sheldon and Swanton **2**

**Franklin-5** Berkshire, Franklin, Highgate, and Richford **2**

**Franklin-6** Bakersfield, Fairfield, and Fletcher **1**

**Franklin-7** Enosburgh and Montgomery **1**

**Franklin-8** That portion of the City of St. Albans not included in FRANKLIN-3 and that portion of the Town of St. Albans not included in FRANKLIN-2 **1**

**Grand Isle- Chittenden** Alburgh, Grand Isle, Isle La Motte, North Hero, South Hero, and that portion of the town of Milton encompassed within a boundary beginning at the point where the northern boundary line of the town of Milton intersects with the southbound lane of Interstate 89; then southerly along the western side of the southbound lane of Interstate 89 to where it intersects with the Lamoille River; then southeasterly along the northwestern side of the Lamoille River to where it intersects with the boundary of the town of Colchester; then westerly along the town line of Colchester to the boundary of the town of South Hero; then northerly along the town line of South Hero to the boundary of the town of Grand Isle; then northerly along the town line of Grand Isle to the boundary of the town of Georgia; then southeasterly along the town line of Georgia to the point of beginning **2**

**Lamoille-1** That portion of the town of Stowe encompassed within a boundary beginning at the point where the northeastern boundary line of the town of Stowe intersects with Moulton Lane; then southeasterly along the southwestern side of the centerline of Moulton Lane to where it intersects with the Sterling Brook; then southerly along the western side of Sterling Brook to the point it becomes the Waterbury River; then southerly along the western side of the Waterbury River to where it intersects with West Hill Road; then southeasterly along the southwestern side of the centerline of West Hill Road to the intersection of VT Route 100; then briefly northeasterly along the southeastern side of the centerline of VT Route 100 to the intersection of Brush Hill Road; then easterly along the southern side of the centerline of Brush Hill Road to the

intersection of Brownsville Road; then easterly along the southern side of the centerline of Brownsville Road to the intersection of Moss Glen Falls Road; then northerly along the eastern side of the centerline of Moss Glen Falls Road to the intersection of Randolph Road; then briefly easterly along the southern side of the centerline of Randolph Road to the intersection of Elmore Mountain Road; then easterly along the southern side of the centerline of Elmore Mountain Road to the boundary of the town of Morristown; then easterly along the town line of Morristown to the boundary of the town of Worcester; then southwesterly along the town line of Worcester to the boundary of the town of Waterbury; then westerly along the town line of Waterbury to the boundary of the town of Bolton; then westerly along the town line of Bolton to the boundary of the town of Underhill; then northerly along the town line of Underhill to the boundary of the town of Cambridge; then northerly along the town line of Cambridge to the boundary of the town of Morristown; then southeasterly along the town line of Morristown to the point of beginning **1**

**Lamoille-2** Belvidere, Hyde Park, Johnson, and Wolcott **2**

**Lamoille-3** Cambridge and Waterville **1**

**Lamoille-Washington** Elmore, Morristown, Woodbury, Worcester, and that portion of Stowe not included in LAMOILLE-1 **2**

**Orange-1** Corinth, Orange, Vershire, and Washington **1**

**Orange-2** Bradford, Fairlee, and West Fairlee **2**

**Orange-3** Chelsea and that portion of the town of Williamstown encompassed within a boundary beginning at the point where the northern boundary line of the town of Williamstown intersects with McGlynn Road; then southerly along the western side of the centerline of McGlynn Road to the intersection of Graniteville Road; then briefly westerly along the northern side of the centerline of Graniteville Road to the intersection of Martin Road; then easterly along the southern side of the centerline of Martin Road to the intersection of Therriault Hill Road; then easterly along the southern side of the centerline of Therriault Hill Road to the intersection of Sugarhouse Road; then easterly along the southern side of the centerline of Sugarhouse Road to the boundary of the town of Washington; then southerly along the town line of Washington to the boundary of the town of Chelsea; then westerly along the town line of Chelsea to the boundary of the town of Brookfield; then westerly along the town line of Brookfield to boundary of the town of Northfield; then northerly along the town line of Northfield to the boundary of the town of Berlin; then

	easterly and northerly along the town line of Berlin to the boundary of the Town of Barre; then easterly along the town line of Barre to the point of beginning	1
<b>Orange-Caledonia</b>	Groton, Newbury, and Topsham	1
<b>Orange-Washington-Addison</b>	Braintree, Brookfield, Granville, Randolph, and Roxbury	2
<b>Orleans-1</b>	Derby	1
<b>Orleans-2</b>	Newport City	1
<b>Orleans-3</b>	Barton, Brownington, and Westmore	1
<b>Orleans-4</b>	Albany, Craftsbury, Glover, and Greensboro	1
<b>Orleans-Lamoille</b>	Coventry, Eden, Irasburg, Jay, Lowell, Newport Town, and Westfield	2
<b>Rutland- 1</b>	Ira, Poultney, and that portion of the town of Wells not in RUTLAND-BENNINGTON	1
<b>Rutland-2</b>	Clarendon, Wallingford, West Rutland, and that portion of Rutland Town not included in RUTLAND-4	2
<b>Rutland-3</b>	Castleton	1
<b>Rutland-4</b>	That portion of Rutland City not included in RUTLAND-5, RUTLAND-6, or RUTLAND-7, and that portion of Rutland Town encompassed within a boundary beginning at the point where the northern boundary line of Rutland Town intersects with North Grove Street; then southerly along the eastern side of the centerline of North Grove Street to the boundary of Rutland City; then easterly along the northern side of the city line of Rutland City to the intersection of U.S. Route 4; then northeasterly along the northwestern side of the centerline of U.S. Route 4 to the boundary of the town of Mendon; then northerly along the town line of Mendon to the boundary of the town of Pittsford; then westerly along the town line of Pittsford to the point of beginning	1
<b>Rutland-5</b>	That portion of Rutland City encompassed within a boundary beginning at the point where the northeastern boundary line of Rutland City intersects with U.S. Route 4; then southwesterly along the southeastern side of the centerline of U.S. Route 4 to the intersection of East Street; then southerly along the eastern side of the centerline of East Street to the intersection of Jackson Avenue; then briefly westerly along the southern side of the centerline of	

Jackson Avenue to intersection of U.S. Route 7; then southerly along the eastern side of the centerline of U.S. Route 7 to the intersection of Allen Street; then briefly easterly along the northern side of the centerline of Allen Street to where it intersects with the railroad tracks; then southeasterly along the northeastern side of the railroad tracks to where the railroad tracks intersect with the boundary of Rutland Town; then easterly along the town line of Rutland Town, then follow the town line of Rutland Town to the point of beginning **1**

**Rutland-6** That portion of Rutland City encompassed within a boundary beginning at the point where the western boundary line of Rutland City intersects with West Street; then easterly along the southern side of the centerline of West Street to the intersection of U.S. Route 7; then northerly along the eastern side of the centerline of U.S. Route 7 to intersection of U.S. Route 4; then easterly along the southern side of the centerline of U.S. Route 4 to the intersection of East Street; then southerly along the western side of the centerline of East Street to the intersection of Jackson Avenue; then westerly along the northern side of the centerline of Jackson Avenue to the intersection of U.S. Route 7; then southerly along the western side of the centerline of U.S. Route 7 to the intersection of Allen Street; then briefly easterly along the southern side of the centerline of Allen Street to where it intersects with the railroad tracks; then southeasterly along the southwestern side of the railroad tracks to where the railroad tracks intersect with the boundary of Rutland Town; then westerly along the town line of Rutland Town; then follow the town line of Rutland Town to the point of beginning **1**

**Rutland-7** That portion of Rutland City encompassed within a boundary beginning at the point where the western boundary line of Rutland City intersects with West Street; then easterly along the northern side of the centerline of West Street to the intersection of Church Street; then northerly along the western side of the centerline of Church Street to intersection of North Street; then briefly easterly along the northern side of the centerline of North Street to the intersection of Lincoln Avenue; then briefly southerly along the eastern side of the centerline of Lincoln Avenue to the intersection of Melrose Avenue; then easterly along the northern side of the centerline of Melrose Avenue to the intersection of U.S. Route 7; then northerly along the western side of the centerline of U.S. Route 7 to the boundary of Rutland Town; then westerly along the town line of Rutland Town; then follow the town line of Rutland Town to the point of beginning **1**

**Rutland-8** Pittsford and Proctor **1**

<b>Rutland-9</b>	Brandon	<b>1</b>
<b>Rutland-10</b>	Benson, Fair Haven, and West Haven	<b>2</b>
<b>Rutland-11</b>	Chittenden, Killington, Mendon, and Pittsfield	<b>1</b>
<b>Rutland-Bennington</b>	Middletown Springs, Pawlet, Rupert, Tinmouth, and that portion of the town of Wells encompassed within a boundary beginning at the point where the northern boundary line of Wells intersects with VT Route 30; then southerly along the eastern side of the centerline of VT Route 30 to the intersection of VT Route 30 and Main Street; then continuing southwesterly along the southeastern side of the centerline of VT Route 30 to the boundary of Pawlet; then easterly along the town line of Pawlet to the boundary of the town of Tinmouth; then northerly along the town line of Tinmouth to the boundary of the town of Middletown Springs; then northeasterly along the town line of Middletown Springs to the boundary of the town of Poultney, then westerly along the town line of Poultney to the point of beginning	<b>1</b>
<b>Rutland-Windsor</b>	Ludlow, Mount Holly, and Shrewsbury	<b>1</b>
<b>Washington-1</b>	Berlin and Northfield	<b>2</b>
<b>Washington-2</b>	Duxbury, Fayston, Moretown, Waitsfield, and Warren	<b>2</b>
<b>Washington-3</b>	Barre City	<b>2</b>
<b>Washington-4</b>	Montpelier	<b>2</b>
<b>Washington-5</b>	East Montpelier and Middlesex	<b>1</b>
<b>Washington-6</b>	Calais, Marshfield, and Plainfield	<b>1</b>
<b>Washington-Chittenden</b>	Bolton, Buels Gore, Huntington, and Waterbury	<b>2</b>
<b>Washington-Orange</b>	Barre Town and that portion of the town of Williamston not included in ORANGE-3	<b>2</b>
<b>Windham-1</b>	Guilford and Vernon	<b>1</b>
<b>Windham-2</b>	Dover, Jamaica, Somerset, Stratton, and Wardsboro	<b>1</b>
<b>Windham-3</b>	Brookline, Rockingham, and Westminster	<b>2</b>
<b>Windham-4</b>	Dummerston and Putney	<b>1</b>
<b>Windham-5</b>	Marlboro, Newfane, and Townshend	<b>1</b>

**Windham-6**

Halifax, Wilmington, and Whitingham

**1**

**Windham-7**

That portion of the town of Brattleboro encompassed within a boundary beginning at the point where the boundary line between the town of Brattleboro and the town of Dummerston intersects with Wickopee Hill Road; then southerly along the western side of the centerline of Wickopee Hill Road and then continuing southerly along the western side of the centerline of Pleasant Valley Road to the intersection of Meadowbrook Road; then northeasterly along the southern side of the centerline of Meadowbrook Road to the intersection of Upper Dummerston Road; then southerly along the western side of the centerline of Upper Dummerston Road to the intersection of East Orchard Street; then southerly along the western side of the centerline of East Orchard Street to the intersection of Orchard Street; then southerly along the western side of the centerline of Orchard Street to the intersection of Western Avenue; then westerly along the northern side of the centerline of Western Avenue to the intersection of Guilford Street; then southerly along the western side of the centerline of Guilford Street to the intersection of Maple Street; then easterly along the southern side of the centerline of Maple Street to where it intersects with tax map parcel 00110367.000; then southerly along the western side of the western boundary of tax map parcels 00110367.000 and 00110368.000; then westerly along the northern side of the southern boundary of tax parcel 00110369.000 to tax map parcel 00110378.000; then north easterly along the eastern side of the easterly boundary of tax parcel 0110378.000 following the parcel boundary to Guilford Street; then southerly along the western side of the centerline of Guilford Street to the boundary of the town of Guilford; then westerly along the town line of Guilford to the boundary of the town of Marlboro; then northerly along the town line of Marlboro to the boundary of the town of Dummerston; then easterly along the town line of Dummerston to the point of beginning

**1**

Tax parcel ID numbers in WINDHAM-7 are those numbers recorded in the town clerk’s office as of April 1, 2020.

**Windham-8**

That portion of the town of Brattleboro encompassed within a boundary beginning at the point where the eastern boundary line of the town of Brattleboro along the Connecticut River intersects with the Whetstone Brook; then westerly along the southern side of the Whetstone Brook to

the intersection with Elm Street; then northerly along the western side of the centerline of Elm Street to the intersection of Frost Street; then westerly along the southern side of the centerline of Frost Street to the intersection of Williams Street; then westerly along the southern side of the centerline of Williams Street to the intersection of Brannan Street; then southerly along the eastern side of the centerline of Brannan Street to the intersection of West Street; then westerly along the southern side of the centerline of West Street to the intersection of Strand Avenue; then southerly along the eastern side of the centerline of West Street to the intersection of Williams Street; then westerly along the southern side of the centerline of Williams Street past Whetstone Drive to where it intersects with the Whetstone Brook; then westerly along the southern side the centerline of the Whetstone Brook past Interstate 91 to the intersection of Guilford Street; then southerly along the eastern side of the centerline of Guilford Street to the intersection of Maple Street; then easterly along the northern side of the centerline of Maple Street to the westerly boundary of tax parcel 00110367.000; then southerly along the eastern side of the western boundary of tax parcels 00110367.000 and 00110368.000; then westerly along the south side of the southern boundary of tax parcel 00110369.000 to tax parcel 00110378.000; then northeasterly along the western side of the eastern boundary of tax parcel 00110378.000 following the parcel boundary to Guilford Street; then southerly along the eastern side of the centerline of Guilford Street to the boundary of the town of Guilford; then easterly along the town line of Guilford to the intersection with the Connecticut River; then northerly along the Connecticut River to the point of beginning. **1**

Tax parcel ID numbers in WINDHAM-8 are those numbers recorded in the town clerk's office as of April 1, 2020.

<b>Windham-9</b>	That portion of the town of Brattleboro not located in WINDHAM-7 or WINDHAM-8	<b>1</b>
<b>Windham-Windsor-Bennington</b>	Andover, Londonderry, Weston, and Winhall	<b>1</b>
<b>Windsor-1</b>	Hartland, West Windsor, and Windsor	<b>2</b>
<b>Windsor-2</b>	Baltimore, Cavendish, and Weathersfield	<b>1</b>
<b>Windsor-3</b>	Springfield	<b>2</b>
<b>Windsor-4</b>	Barnard, Bridgewater, Pomfret, and that portion of the town of Hartford encompassed within a boundary beginning at the point where the northern boundary line of Hartford and Norwich intersects with Joshua Road; then	

southerly along the western side of the centerline of Joshua Road to the intersection of Jericho Street; then southwesterly along the northern side of the centerline of Jericho Street to the intersection of VT Route 14; then easterly along the southern side of the centerline of VT Route 14 to the intersection of the centerline of Runnals Road and VT Route 14; then turn south along the southwesterly side of a straight line extension from the end of Runnals Road across the White River to the intersection of Old River Road and the beginning of Costello Road; then westerly along the northern side of the centerline of Costello Road to the intersection of Old Quechee Road; then southwesterly along the northeasterly side of the centerline of Old Quechee Road to the intersection of Quechee Main Street; then westerly along the northern side of the centerline of Quechee Main Street to the intersection of Waterman Hill Road and the Quechee Covered Bridge; then westerly along the northern side of the Ottauquechee River to the boundary line of the town of Hartland; then westerly along the town line of Hartland to the boundary of the town of Woodstock; then westerly along the town line of Woodstock to the boundary of the town of Pomfret; then northerly along the town line of Pomfret along the town line of Sharon to the boundary of the town of Norwich; then easterly along the town line of Norwich to the point of beginning **1**

<b>Windsor-5</b>	Plymouth, Reading, and Woodstock	<b>1</b>
<b>Windsor-6</b>	That portion of the town of Hartford not located in WINDSOR-4	<b>2</b>
<b>Windsor-Addison</b>	Bethel, Hancock, Rochester, and Stockbridge	<b>1</b>
<b>Windsor-Orange-1</b>	Royalton and Tunbridge	<b>1</b>
<b>Windsor-Orange-2</b>	Norwich, Sharon, Strafford, and Thetford	<b>2</b>
<b>Windsor-Windham</b>	Athens, Chester, Grafton, and Windham	<b>1</b>

§§ 1894, 1895. [Repealed]

§ 1896. [Repealed]

## CHAPTER 34A: PERIODIC REAPPORTIONMENT

§ 1901. Purpose

(a) The Supreme Court of the United States has ruled that the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution requires all state legislative bodies to be apportioned in such manner as to achieve substantially equal weighting of the votes of all voters in the choice of legislators.

(b) To comply with such requirement it will be necessary to reapportion the House of Representatives and Senate at periodic intervals, so that changes may be recognized in legislative apportionment.

(c) It is the purpose of this chapter to achieve such reapportionment in an orderly and impartial manner.

### § 1902. Definitions

As used in this chapter:

(1) "**Apportionment standard for the house of representatives**" means the number obtained by dividing the total population in the state by the number of members of the House of Representatives of the general assembly.

(2) "**Apportionment standard for the senate**" means the number obtained by dividing the total population in the state by the number of members of the senate.

(3) "**Board**" means the legislative apportionment board.

(4) "**Population**" means the most recent census taken under the authority of Congress or a special census ordered to be taken by the legislature.

### § 1903. Periodic reapportionment; standards

(a) The House of Representatives and the senate shall be reapportioned and redistricted on the basis of population during the biennial session after the taking of each decennial census of the United States, or after a census taken for the purpose of such reapportionment under the authority of this state.

(b) The standard for creating districts for the election of representatives to the general assembly shall be to form representative districts with minimum percentages of deviation from the apportionment standard for the House of Representatives. The standard for creating districts for the election of senators on a county basis to the general assembly shall be to form senatorial districts with minimum percentages of deviation from the apportionment standard for the senate. The representative and senatorial districts shall be formed consistent with the following policies insofar as practicable:

(1) preservation of existing political subdivision lines;

(2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests;

(3) use of compact and contiguous territory.

#### **§ 1904. Legislative apportionment board**

(a) There is hereby created the legislative apportionment board, consisting of: a special master designated by the chief justice of the supreme court; one resident of the state of Vermont for five years immediately preceding the appointment, appointed by the governor from each political party that has had more than three members serve as members of the general assembly, who are not all from the same county, for at least three of the five biennial legislative sessions since the taking of the previous decennial census of the United States; and one resident of the state of Vermont for the five years immediately preceding the appointment, elected by the state committee of each of those political parties, a quorum of each committee being present and voting. No member of the board shall serve as a member or employee of the general assembly, or of either house thereof. The special master so designated shall be chair of the board, and shall call such meetings as may be necessary for the accomplishment of the duties of the board hereafter set forth. The secretary of state of Vermont shall be secretary of the board, but shall have no vote. For the purpose of determining representation of a political party under this section, if a candidate for election to the general assembly accepted a nomination from more than one political party, that candidate's party affiliation shall be only that political party to which he or she filed a petition for nomination.

(b) Members of the board shall first be selected on or before July 1, 1990, and thereafter members shall be selected decennially before July 1 and shall serve until their successors are selected. The appointing or electing authority shall fill vacancies.

(c) For administrative purposes, the board shall be part of the office of the secretary of state, and funds for the board's operation shall be appropriated for the secretary of state, provided, however, that expenditures of such appropriation shall be directed by the board.

(d) Members of the board not receiving a salary from the state shall receive per diem compensation and expenses as provided in 32 V.S.A. § 1010.

(e) The board may employ or contract for such expert assistants or services, or both, as may be necessary to carry out its duties.

#### **§ 1905. House apportionment/Tentative proposal**

On or before July 1 of the year following each decennial census under the authority of Congress, the board shall prepare a tentative proposal for the reapportionment of the House of Representatives.

Whenever, in the tentative proposal, it appears that one town or city should be divided into two or more initial districts, or that part of one town or city should be combined with part or all of another

town or city to form an initial district, the board shall immediately notify the board of civil authority of each town and city thus affected. The boards of civil authority may, on or before August 1, recommend to the legislative apportionment board the manner in which initial district lines within those towns and cities should be drawn, always having regard for the standards of apportionment set forth in section 1903 of this title. Upon request of any board of civil authority, the legislative apportionment board shall designate one of its members, or a person designated in section 1908 of this title, to call and preside without vote over a joint meeting of two or more boards of civil authority for the purpose of making joint recommendations.

### **§ 1906. Initial districts; final proposal; final plan**

Upon receiving recommendations made under section 1905 of this title, the board shall consider the same, and shall, not later than August 15, prepare a final proposal for dividing the state into initial districts for the election of 150 representatives. The chair of the board shall, on or before August 15, transmit such proposal to the clerk of the house, and the proposal shall then be referred to the appropriate committee. The general assembly shall then accept the proposal and enact it into law or substitute another plan for reapportionment; provided, however, that

- (1) The plan for initial districts finally approved shall be in conformity with the provisions of this chapter; and
- (2) Be duly enacted during the said biennial legislative session.

### **§ 1906a. Final division into representative districts**

(a) Each initial district listed in section 1893 of this title which is entitled to one representative shall constitute a representative district and may elect one representative at elections for representatives until the next reapportionment.

(b) Each initial district listed in section 1893 of this title which is entitled to elect two representatives shall constitute a representative district and may elect two representatives at elections for representatives until the next reapportionment, unless such district is divided into two single-member representative districts as provided in section 1906b of this title, in which case the resulting single-member representative districts shall each be entitled to elect one representative at elections for representatives until the next reapportionment.

(c) Each initial district listed in section 1893 of this title which is entitled to elect three or more representatives shall be further divided into single- or two-member representative districts or a combination of single- and two-member representative districts, as provided in section 1906c of this title, each of which shall be entitled to elect the appropriate number of representatives at elections for representatives until the next reapportionment.

(d) A copy of the final plan for initial districts, and approved plans for dividing multi-member districts into representative districts, shall be filed with the secretary of state and shall be available for public inspection. In addition, a copy of the plan for dividing a multi-member initial district into representative districts shall be filed with the town clerk of each town in the district so divided.

### **§ 1906b. Division of two-member representative districts**

(a) An initial district entitled to two representatives under section 1893 of this title may be divided into single-member representative districts as provided in this section.

(b) As soon as practical after enactment of a final plan for initial districts under section 1906 of this title, the boards of civil authority of the town or towns which constitute 25 percent or more of the population of the initial district may call a meeting of the boards of civil authority of the town or towns of the initial district for the purpose of preparing a proposal for division of the district. Each board shall have one vote, provided that the proposal shall not provide for a representative district line to be drawn through a town if the board of civil authority of that town objects.

(c) In making a proposal under this section, the boards of civil authority shall consider

(1) preservation of existing political subdivision lines;

(2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests;

(3) use of compact and contiguous territory;

(4) incumbencies.

(d) In no initial district divided under this section shall the percentage of deviation result in a representative district which extends the limits of the overall range of the percentage of deviation in the initial district plan for reapportionment enacted by the general assembly under section 1906 of this title.

(e) On or before April 1 of the year of the general election next after enactment of the final plan under section 1906 of this title, the boards of civil authority of the town or towns within each initial district proposing division under this section shall present a proposal for division to the clerk of the house, and the proposal shall be referred to the appropriate committee. If the boards of civil authority desire to divide the initial district but are unable to obtain a majority vote on a proposed division, they may notify the clerk of the house on or before April 1 of their failure to agree on a proposal and request that the general assembly divide the initial district, and the general assembly may divide the initial district into single-member representative districts.

(f) Representative districts proposed under this section shall become effective when approved by the general assembly before adjournment sine die. The general assembly shall approve

representative districts proposed by the boards of civil authority if they are consistent with the standards set forth in this section.

### **§ 1906c. Division of districts having three or more representatives**

(a) An initial district entitled to three or more representatives under section 1893 of this title shall be divided into single- and two-member representative districts as provided in this section.

(b) As soon as practical after enactment of a final plan for initial districts under section 1906 of this title, the boards of civil authority of the town or towns within an initial district having three or more representatives shall meet and prepare a proposal for division of the district. Each board shall have one vote, provided that the proposal shall not provide for a representative district line to be drawn through a town if the board of civil authority of that town objects.

(c) In making a proposal under this section, the boards of civil authority shall consider

(1) preservation of existing political subdivision lines;

(2) recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests;

(3) use of compact and contiguous territory;

(4) incumbencies.

(d) In no initial district divided under this section shall the percentage of deviation result in a representative district which extends the limits of the overall range of the percentage of deviation in the initial district plan for reapportionment enacted by the general assembly under section 1906 of this title.

(e) On or before April 1 of the year of the general election next after enactment of the final plan under section 1906 of this title, the boards of civil authority of the town or towns within each initial district subject to this section shall present a proposal for division to the clerk of the house, and the proposal shall be referred to the appropriate committee. If the boards of civil authority are unable to obtain a majority vote on a proposed division, they shall notify the clerk of the house, on or before April 1, of their failure to agree on a proposal, and the general assembly shall divide the initial district into representative districts.

(f) Representative districts proposed under this section shall become effective when approved by the general assembly before adjournment sine die. The general assembly shall approve representative districts proposed by the boards of civil authority if they are consistent with the standards set forth in this section.

### **§ 1907. Senate apportionment**

(a)(1) On or before July 1 of each year following the taking of a decennial census under the authority of Congress, the Board shall prepare a proposal for reapportionment of the Senate, apportioning the 30 senatorial seats among the counties or combinations of counties with a maximum of three members in each proposed district, and in such manner as to achieve substantial equality in the choice of members as guaranteed by the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

(2) The Chair of the Board shall transmit such proposal to the Secretary of the Senate and it shall be referred to the appropriate committee.

(b) The General Assembly shall then accept the proposal and enact it into law or enact into law a substitute plan for reapportionment of the Senate that limits each senatorial district to a maximum of three members.

### **§ 1908. Powers of board**

The legislative apportionment board shall have the following powers:

(1) To call for, and receive, the assistance of any state, county, or municipal official or employee in obtaining information regarding the population in any county, town, city, village, ward, precinct, or water, fire, or school district;

(2) To hold public hearings in any town or city for the purpose of obtaining information relevant to reapportionment of the general assembly;

(3) To delegate, under regulations adopted by it, any of the foregoing powers to one or more of its members, or to investigators or hearing examiners in its employ.

### **§ 1909. Review**

(a) Within 30 days of the effective date of any apportionment bill enacted pursuant to section 1906b, 1906c, or 1907 of this chapter, any five or more voters of the State aggrieved by the plan or act may petition the Supreme Court of Vermont for review of same.

(b) The sole grounds of review to be considered by the Supreme Court shall be that the apportionment plan, or any part of it, is unconstitutional or violates section 1903 of this chapter.

(c) The Supreme Court may consolidate two or more appeals, as the interests of justice may require, with due regard for expediting decision in all appeals.

(d) The Supreme Court may designate one or more justices, one or more superior judges, or one or more masters, to take testimony and make findings of fact in any appeal or consolidated appeals under this section.

(e) In the event the Supreme Court allows any appeal upon one or both grounds set forth in subsection (b) of this section, it shall forward its opinion and decision to the general assembly which shall forthwith revise and correct the apportionment law in light of the Supreme Court's decision, to conform to the requirements of law. The Supreme Court shall retain jurisdiction until the general assembly has produced a plan conforming to all constitutional and statutory requirements, which plan shall thereupon become law.

(f) The review provided in this section shall be the original and exclusive review of legislative apportionment in the courts of this state.

**§§ 1910, 1911. [Repealed]**

## **CHAPTER 35: OFFENSES AGAINST THE PURITY OF ELECTIONS**

### **Subchapter I. Penalties Upon Officers**

#### **§ 1931. Presiding officer receiving illegal vote**

A presiding officer in a local, primary, or general election who knowingly receives and counts a vote from a person not a qualified voter or knowingly receives from a voter, at any one balloting for the same office, more than one vote, shall be fined not more than \$100.00 if the offense is committed in a local election and not more than \$500.00 if in a primary or general election.

#### **§ 1932. Counting ballots and opening ballot boxes before proper time**

A presiding officer at a primary or general election who allows the ballots for representative to the General Assembly, or State, county, or congressional officers to be counted or, except as provided in section 2499 of this title, the ballot box containing the same to be opened before the closing of the polls shall be fined not more than \$200.00 nor less than \$20.00.

#### **§ 1933. Nonperformance of duty by public officer**

Except as otherwise provided by this title, a public officer upon whom a duty is imposed by the provisions of this title, who willfully neglects to perform such duty or who willfully performs it in such a way as to hinder the object of the provisions of this title, shall be fined not more than \$500.00.

## **Subchapter II. Penalties Upon Voters**

### **§ 1971. Casting more than one ballot**

A legal voter who knowingly casts more than one ballot at any one time of balloting for the same office shall be fined not more than \$1,000.00 if the offense is committed at a primary or general election, and not more than \$100.00, if committed at a local election.

### **§ 1972. Showing ballot; interference with voter**

(a) A voter who, except in cases of assistance as provided in this title, allows his or her ballot to be seen by another person with an apparent intention of letting it be known how he or she is about to vote or makes a false statement to the presiding officer at an election as to his or her inability to mark his or her ballot or places a distinguishing mark on his or her ballot or a person who interferes with a voter when inside the guard rail or who, within the building in which the voting is proceeding, endeavors to induce a voter to vote for a particular candidate, shall be fined \$1,000.00.

(b) It shall be the duty of the election officers to see that the offender is duly prosecuted for a violation of this section.

### **§ 1973. Voting in more than one place**

A person who, on the same day, votes in more than one town, district, or ward for the same office shall be fined not more than \$1,000.00.

### **§ 1974. Voter omitted from list, voting in another political subdivision**

A person who is a resident and entitled to vote in a political subdivision in which a check list of voters has been made previous to an election, whose name, through his or her neglect, is not entered thereon, who votes in another political subdivision at such election shall be fined not more than \$200.00.

## **Subchapter III. Miscellaneous**

### **§ 2011. Perjury before board making check list**

A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a checklist of voters, knowing such person not to be a voter in the political subdivision for which such list is made or, directly or indirectly, procures or causes to

be procured or aids in procuring the name of a person to be erased from such list, knowing him or her to be a legal voter in such political subdivision, shall be fined not more than \$200.00.

#### **§ 2012. Procuring change in list wrongfully**

A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a checklist of voters, knowing such person not to be a voter in the political subdivision for which such list is made or, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be erased from such list, knowing him or her to be a legal voter in such political subdivision, shall be fined not more than \$200.00.

#### **§ 2013. False answer as to right to vote**

A person who knowingly gives a false answer or information to the presiding officer at a local, primary, or general election or to the authority present to decide upon the qualifications of voters, touching a person's right to vote at such election, shall be fined not more than \$200.00.

#### **§ 2014. Unqualified person voting**

A person, knowing that he or she is not a qualified voter, who votes at a local, primary, or general election for an officer to be elected at that election shall be fined not more than \$200.00.

#### **§ 2015. Fraudulent voting**

A person who personates another, living or dead, and gives or offers to give a vote in the name of that other person or gives or offers to give a vote under a fictitious name at a local, primary, or general election for an officer to be elected at that election shall be imprisoned not more than one year or fined not more than \$200.00, or both.

#### **§ 2016. Aiding unqualified voter to vote**

A person who willfully aids or abets a person who is not a duly qualified voter in voting or attempting to vote at a local, primary, or general election shall be fined not more than \$200.00.

#### **§ 2017. Undue influence**

A person who attempts by bribery, threats or any undue influence to dictate, control or alter the vote of a voter about to be given at a local, primary, or general election shall be fined not more than \$200.00.

**§ 2018. [Repealed]**

**§ 2019. Destroying lists; hindering voting**

A person who, prior to a local, primary, or general election, willfully defaces or destroys any list of candidates posted in accordance with law or, during that election, willfully defaces, tears down, removes, or destroys any card posted for the instruction of voters or, during that election, willfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his or her ballot or willfully hinders the voting of others shall be fined \$200.00.

**§ 2020. [Repealed]**

**§ 2021. Destruction of or fraudulent acts pertaining to primary election documents; alteration or delay of ballots**

A person who falsely makes or willfully defaces or destroys a primary petition, certificate of nomination, or nomination paper or any part thereof, or any letter of assent or of withdrawal, or who files a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal knowing the same or any part thereof to be falsely made, or who suppresses a primary petition, certificate of nomination, nomination paper, letter of assent, or letter of withdrawal or any part thereof which has been filed, or forges or falsely makes the official endorsement upon a ballot to be used at a primary or at an election or willfully destroys or defaces such a ballot or willfully delays the delivery of such ballots shall be fined \$200.00. (Amended 2013, No. 161 (Adj. Sess.), § 1.) § 2022.

**Repealed. 1997, No. 64, § 21.**

**CHAPTER 41: PURPOSES**

**§ 2101. Purposes**

This act is intended to carry out the mandate contained in Article 8 of the Constitution of the state of Vermont. In this pursuit, the specific purposes of this act are:

- to provide equal opportunity for all citizens of voting age to participate in political processes;
- to assure that political campaigns are fairly and honestly conducted and financed;
- to define unacceptable conduct among political candidates and public servants;
- to insure that public service will be in the public interest, rather than the special interest of groups or individuals, and
- to encourage citizens to become more actively involved in the political processes which affect the quality of life;
- to provide uniform practices and procedures in the conduct of elections throughout the state.

### **§ 2102. Short title**

This title may be referred to and cited as the "Vermont Election Laws".

### **§ 2103. Definitions**

As used in this title, unless the context or a specific definition requires a different reading:

- (1) "Early or absentee voter" means any voter of the state who has requested an early voter absentee ballot as provided in subchapter 6 of chapter 51 of this title.
- (2) "Accept" means to solicit, receive or agree to receive.
- (3) "Anything of value" means, without limitation, tangible or intangible property, money, commercial interests, or governmental employment. A promise to pay or deliver such property is a thing of value even if the promise is unenforceable or impossible to perform.
- (4) "Australian ballot system" means the technique of having the polls open for voting on specified and warned matters during a warned, extended period which may be during or after a municipal meeting, or both. An "Australian ballot" means a uniformly printed ballot, typically confined to the secret vote election of specified offices as previously warned to be voted upon by the Australian ballot system. The term "Australian ballot" includes any ballots counted by a vote tabulator approved for use in any election conducted in the State.
- (5) "Board of civil authority" means, unless otherwise provided by municipal charter, in the case of a town, the selectmen and town clerk and the justices residing therein; in the case of a city, the mayor, aldermen, city clerk and justices residing therein; in the case of a village, the trustees, village clerk and the justices residing therein; and, in any case, such suitable member or members of unrepresented or insufficiently represented political parties as may be appointed members of

the board of civil authority under the provisions of section 2143 of this title. Except as otherwise provided in this title, those members of the board of civil authority present and voting shall constitute a quorum, provided that official action may not be taken without the concurrence of at least three members of the board

(6) "Campaign" means any organized or coordinated activity undertaken by two or more persons, any part of which is designed to influence the nomination, election or defeat of any candidate or the passage, defeat or modification of any public question.

(7) "Candidate" means an individual who has taken any affirmative action to become a candidate for public office. A person takes affirmative action by:

(A) accepting a contribution or making an expenditure directly or indirectly;

(B) filing the requisite petition for one of the named positions or being nominated by primary or otherwise; or

(C) publicly announcing that he seeks such a position.

(8) [Deleted.]

(9) "Contribution" means a payment, distribution, advance, deposit, loan or gift of anything of value, paid or promised to be paid (whether or not the promise is legally enforceable) to a person or political committee for the purpose of supporting or opposing one or more campaigns, but shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee, nor bona fide commercial loans. "Contribution" includes any transfer between committees or candidates. A contribution is deemed to be made on the date when any promise or pledge is made or when liability for anything of value is assumed.

(10) "County officer" means judge of Probate, assistant judge of the Superior Court, State's Attorney, sheriff, and high bailiff.

(11) "Election" means the procedure whereby the voters of this state, or any of its political subdivisions, select persons to fill public offices or act on public questions.

(12) "Expenditure" means a payment, disbursement, distribution, advance, deposit, loan, or gift of anything of value, paid or promised to be paid (whether or not the promise is legally enforceable) for the purpose of supporting or opposing any campaign.

(13) "File" or "filed" means deposited in the regularly maintained office of the official with whom the filing is to be made. A document is not "filed" until received at the official's office. If the last day for filing petitions, consent forms, or other documents or reports falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to 5:00 p.m. on the next day which is not a Saturday, Sunday or legal holiday.

(14) "Voter's oath" means the oath prescribed in chapter II section 42 of the Constitution of Vermont.

(15) "General election" means the election held on the first Tuesday after the first Monday in November, in even numbered years.

(16) "Give" means to offer, present, confer, pay, or deliver; also to agree or promise to do any of the foregoing. But it shall not include a promise openly made in the course of a campaign to support or oppose some named governmental action.

(17) "Legislative body" means the selectboard in the case of a town, the city council, mayor, and alderboard in the case of a city, the trustees or bailiffs in the case of a village, the school board in the case of a school district, and the prudential committee in the case of a fire district.

(18)(A) "Local election" means any election that deals with the selection of persons to fill public office or the settling of public questions solely within a single municipality.

(B) "Local election" also means an election to settle a public question in several municipalities, in which the municipalities must unanimously concur if the question is to be approved.

(C) The election of a Representative to the General Assembly is not a "local election".

(19) "Military service" means active service by any person, as a member of any branch or department of the United States Army, Navy, Air Force, Coast Guard or Marine Corps or as a reservist absent from his place of residence and undergoing training under Army, Navy, Air Force, Coast Guard or Marine Corps direction, at a place other than the person's residence.

(20) "Military service early or absentee voter" means a person who is unable to attend at his regular polling place and who comes within one of the following categories: (A) Persons in the military service and their spouses and dependents; (B) A patient in a veterans' hospital located in any place other than his place of residence; or (C) Civilians attached to or serving with the Armed Forces of the United States outside this state and their spouses and dependents when residing with or accompanying them.

(21) "Person" means any individual, business entity, labor organization, public interest group, or other organization, incorporated or unincorporated.

(22) "Political committee" means two or more persons, including political parties and the constituent parts or subdivisions of political parties, which make any expenditure of a value of \$200.00 or more in any year or accept any contribution in any year, for the purpose of supporting or opposing any campaign. (Repealed 2009, No. 40 (Adj. Sess.), § 5.)

(23) "Political party" is any group of individuals which has organized and filed its certificate of organization with the secretary of state, pursuant to chapter 45 of this title. A "major political party" is a political party whose candidate for any state office in the most recent general election polled at least five percent of the vote cast for that office. A "minor political party" is any political party which is not a major political party.

(24) "Political subdivision" means any county, municipality (including cities, towns and villages), representative district, senatorial district, school district, fire district, water, sewer or utility district, ward and any consolidation of the foregoing entities authorized under the laws of this State.

(25) "Primary" means any election which precedes a general or special election, for the purpose of permitting political parties to nominate, from among all of the candidates for any office, only that number of candidates equal to the number of persons to be elected to that office at the succeeding general or special election.

(26) "Public office" means any office in the United States government or any office in the government of this state or any of its political subdivisions which is filled by vote of the voters of the state or subdivision.

(27) "Public question" means any question, issue, proposition, or referendum (whether binding or advisory) submitted or required by law to be submitted to the voters of the state or any political subdivision of the state, for a decision.

(28) "Public servant" means the holder of any public office, as well as any employee of the state not in the classified service.

(29) "Representative district clerk" means, in each representative district, the clerk of that town or part of a town having the largest population in the district. However, when part of one town is joined with all of another town to form a representative district, the clerk of the latter town shall be representative district clerk.

(30) "Resident" means a natural person who is domiciled in this state as evidenced by an intent to maintain a principal dwelling place in the state indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his spouse.

(31) "Senatorial district clerk" means the county clerk for those towns within a senatorial district aggregating the largest population.

(32) "Special election" means an election which is not provided for by law to be held at stated intervals.

(33) "State office" means the office of governor, lieutenant governor, state treasurer, secretary of state, auditor of accounts, and attorney general. "State officer" is the holder of a state office.

(34) "Town" includes "city".

(35) "Town clerk" means a town officer elected pursuant to section 2646 of this title or otherwise elected or appointed by law and performing those duties prescribed in 24 V.S.A chapter 35.

(36) "Voter" means an individual who is qualified to vote in an election in this state or a political subdivision of this state, and whose name is registered on the checklist of a political subdivision of the state.

(37) "Year" means a calendar year.

(38) "State institution" means the Vermont State Hospital, correctional facilities, and other similar public institutions, established or funded, or both, by public funds within the state of Vermont, not including educational institutions.

(39) "Motor vehicle driver's license" means any personal identification document issued by the department of motor vehicles under Title 23.

(40) "Secretary" means the secretary of state. The secretary of state shall be the chief state election official for purposes of the National Voter Registration Act of 1993.

(41) "Voter registration agency" or "agency" means all state offices that provide public assistance, all state offices that provide state-funded programs primarily engaged in providing services to persons with disabilities, any federal and nongovernmental offices that have agreed to be designated by the Secretary as a voter registration agency and any state or local agency designated by the Secretary as a voter registration agency. State and local agencies designated by the Secretary may include: the Departments of Taxes and of Labor, and offices that provide services to persons with disabilities other than those that provide state-funded programs primarily engaged in providing services to persons with disabilities. (42) "Voter registration application forms," "application forms," or "forms" mean the voter registration application forms or the voter registration application portion of a motor vehicle driver's license application approved by the Secretary of State under sections 2145 and 2145a of this title.

## **CHAPTER 43: QUALIFICATION AND REGISTRATION OF VOTERS**

### **Subchapter I: Qualifications of Voters**

#### **§ 2121. Eligibility of voters**

(a) Any person may register to vote in the town of his or her residence in any election held in a political subdivision of this state in which he or she resides who, on election day:

- (1) is a citizen of the United States;
- (2) is a resident of the state of Vermont;
- (3) has taken the voter's oath; and
- (4) is 18 years of age or more.

(b) Any person meeting the requirements of subdivisions (a)(1)-(3) of this section who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election.

### **§ 2122. Residence; special cases; checklist**

(a) A person shall not gain or lose a residence solely by reason of presence or absence while in the service of the state or of the United States; nor while engaged in the navigation of the waters of the state or of the United States or on the high seas; nor while in a hospital, nursing home, or other health care facility; nor while confined in a prison or correctional institution; nor while a member of a veterans' home; nor while a student at any educational institution; nor while living outside the United States; nor while certified as a participant in the address confidentiality program under 15 V.S.A. chapter 21, subchapter 3.

(b) A person may have his or her name on the checklist only in the town of which the person is a resident. For the purpose of this chapter, "resident" shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. However, a person shall retain the ability to vote in a town of former residence for a period of 17 days after becoming a resident of a new town. A person may have only one residence at a given time.

### **§ 2123. Residents of unorganized towns and gores**

A resident of an unorganized town, grant, or gore may have his or her name placed upon the checklist in any town which is both in the probate district and in the representative district in which he or she resides, and he or she shall be entitled to vote in all elections in such town except local elections.

### **§ 2124. Voter's oath or affirmation; how administered; application**

- (a) The voter's oath may be administered by:
- (1) a person authorized by the law of this State to administer oaths and affirmations;
  - (2) a member of a board of civil authority;
  - (3) a commissioned officer of the military service;
  - (4) any other person qualified to administer oaths and affirmations, within or outside the United States, by the laws of the place in which the oath or affirmation is administered;
  - (5) any other person over the age of 18; or
  - (6) an applicant for addition to the checklist who attests to having taken the oath or affirmation under the penalty of perjury.

(b) [Repealed.]

(c) At a minimum, the town clerk shall keep the completed applications for addition to the checklist, or an electronic copy thereof, through the end of the general election cycle that follows the one in which the application was received. The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

### **§ 2125. Intermittent residence**

A person, having taken the voter's oath, who moves from Vermont and obtains voting residence outside the state shall not vote in any election in this state until he or she has once again qualified to vote under this title, except that he or she need not take the voters' oath again.

### **§ 2126. Village checklist**

A village clerk shall automatically include on the village checklist the names of all persons living within the village who are on the checklist of the town in which the village is located, except as provided in section 2122 of this title. No separate application or other action on the part of the voter shall be required.

## **Subchapter II: Registration of Voters**

### **§ 2141. Posting of checklist**

(a) At least 30 days before any local, primary, or general election, the town clerk shall cause copies of the most recent checklist of the persons registered to vote to be posted in two or more public places in the municipality in addition to being posted at the town clerk's office; however, in a municipality having a population of less than 5,000 registered voters, only one checklist in addition to the one posted in the town clerk's office need be posted.

(b) Upon the checklist shall be stated against the name of each voter, if possible, the street and number of each voter's residence and otherwise the mailing address of each voter's residence.

Additions or amendments to the checklist may be attached to the checklist by means of a separate list.

(c) The town clerk shall make available a copy of the list, together with lists of corrections and additions when made:

(1) to the chair of each political party in the municipality, upon request, free of charge;

(2) to officers with whom primary petitions are filed under section 2357 of this title, free of charge; and

(3) to any other person, upon request, at cost.

#### **§ 2142. Revision of checklist**

(a) The town clerk shall call such meetings of the board of civil authority as may be necessary before an election or at other times for revision of the checklist.

(b) Notice of a meeting, along with a copy of the most recent checklist and a separate list of names which have been challenged and may be removed, shall be posted in two or more public places within each voting district and in the town clerk's office.

(c) A quorum of the board of civil authority shall be as provided in subdivision 2103(5) of this title, and written notice shall be provided to each member as established in 24 V.S.A. § 801.

#### **§ 2143. Political representation on board of civil authority**

(a) If the board of civil authority of any political subdivision does not contain at least three members of each major political party and the party committee or at least three voters request increased representation for an underrepresented major political party by filing a written request with the clerk of the political subdivision, the legislative body shall appoint from a list of names submitted to it by the underrepresented party a sufficient number of voters to the board of civil authority to bring the underrepresented major party's membership on the board to three. A person's name shall not be submitted unless he or she consents to serve if appointed.

(b) The persons so appointed shall have the same duties and authority with respect to elections as have other members of the board, but those persons shall have no authority with respect to functions of the board of civil authority which are not related to elections.

#### **§ 2144. Submitting applications**

(a) On any day other than the day of an election, the town clerk shall accept a person's application for his or her name to be placed on the checklist at the town clerk's office during all normal business hours.

(b) On the day of an election:

(1) A person may submit an application for addition to the checklist to the presiding officer at the polling place of the town in which the person seeks to register during the hours of voting established by the board of civil authority for that polling place. In towns with more than one polling place, the polling place shall be that which covers the area in which the person resides.

(2) The presiding officer or his or her designated election official shall review all applications submitted at the polling place and shall approve those applications that meet the requirements of section 2121 of this chapter. Upon approval, the applicant's name shall be added to the checklist at the polling place, and the applicant shall be provided with the opportunity to vote in the election. The town clerk shall add the information in the application to the statewide voter checklist within five business days of the day of the election.

(3) If the presiding officer or the designated election official cannot determine from an application submitted on election day that an applicant meets the requirements of section 2121 of this chapter, the presiding officer shall immediately refer the application to any members of the board of civil authority, or its equivalent entity under any applicable charter, present at the polling place, who shall meet immediately and proceed under section 2146 of this chapter to determine whether the applicant meets the requirements of section 2121 of this chapter. For purposes of adding applicant's names to the checklist under this subdivision (3), a quorum of the board or its equivalent entity shall be as provided in section 2451 of this title. If the board rejects an applicant, it shall notify him or her at the polling place.

(c) [Repealed.]

(d) [Repealed.]

### **§ 2144a. Registration**

A person who desires to register to vote may apply in any of the following ways:

(1) Simultaneously with his or her application for, or renewal of, a motor vehicle driver's license or nondriver identification card as provided in section 2145a of this chapter.

(2) By completing a voter registration application at a voter registration agency.

(3) By delivering, during regular hours, or mailing a completed application form to the office of the clerk of the town in which the applicant claims to be a resident.

(4) By completing a voter registration application and delivering it to the presiding officer before the close of the polls at the polling place of the town in which the person seeks to register. In towns

with more than one polling place, the polling place shall be that which covers the area in which the person resides.

#### **§ 2144b. Additions to checklist by town clerk**

(a)(1) A town clerk shall review all applications to the voter checklist and shall approve those applications that meet the requirements of this chapter. Once approved, application information shall be added to the statewide voter checklist within three business days of receipt by the town clerk's office.

(2) If an applicant has failed upon the date of the election to provide any information required upon the application form pursuant to section 2145 of this title, the town clerk shall notify the applicant that the form was incomplete and the applicant may provide the information on or before the date of the election.

(b) [Repealed.]

(c) If the town clerk does not determine that an applicant meets the requirements of section 2121 of this title, the clerk shall immediately forward the application to the board of civil authority, which shall meet in a timely manner after the receipt of the application and proceed under section 2146 of this title to determine whether the applicant meets the requirements of section 2121. For purposes of adding applicants to the checklist, a quorum shall consist of three members of the board of civil authority.

(d) Periodically, or at least five days prior to each election, the town clerk shall forward to the board of civil authority a list of additions to the checklist.

#### **§ 2145. Application forms**

(a) The voter registration application shall be in the form approved by the Federal Election Commission or by the Secretary of State. The application form approved by the Secretary shall include:

(1) A place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and a place for the signature of the applicant affirming, under penalty of perjury, that all information submitted by the applicant is accurate and truthful. The affirmation shall include the following information:

(A) The applicant's place and date of birth.

(B) The applicant's town of legal residence.

(C) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(D)(i) If the applicant has been issued a current and valid driver's license or non-driver's identification, the applicant's driver's license number or non-driver's identification number;

(ii) If the applicant does not possess a driver's license number, the last four digits of the applicant's Social Security number; or

(iii) If the applicant does not possess a Social Security number, the town clerk shall contact the Secretary of State and the Secretary shall assign a unique identifier for the applicant.

(E) The applicant's e-mail address, which shall be optional to provide.

(2) The voter's oath.

(3) Space for the town clerk to document action on the application.

(4) The following statements:

(A) "If you were provided with this application form by a voter registration agency, you may decline to register. If you decline to register, your failure to register will remain confidential and will be used only for voter registration purposes."

(B) "If you are submitting this application through a voter registration agency, the office through which you submitted this application will remain confidential and will be used only for voter registration purposes."

(5) [Repealed.]

(b) [Repealed.]

(c) A board of civil authority or town clerk may not require a person to complete any form other than that approved under subsection (a) of this section or section 2145a of this title; nor may the board of civil authority or the town clerk require all applicants or any particular class or group of applicants to appear personally before a meeting of the board or routinely or as a matter of policy require applicants to submit additional information to verify or otherwise support the information contained in the application form.

(d) When the board of civil authority acts on an application to add a name to the checklist, it or, upon request of the board, the town clerk shall notify the applicant by returning one copy of the completed application to the applicant and shall notify the town in which the applicant was last

registered to vote, whether within or without the State of Vermont, by submitting the notification electronically within the statewide voter checklist system or by mailing a copy of the completed application to that town before adding the applicant's name and mailing address to the checklist. The original application shall be filed in the office of the town clerk.

(e) The Secretary of State shall provide each town clerk and voter registration agency with a sufficient number of forms at State expense.

(f) A person who makes a false statement in completing a voter registration application form or the voter registration portion of an application for a motor vehicle driver's license or nondriver identification card or of an application for the services of a designated automatic voter registration agency knowing the statement to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901, except that a person who is not eligible to register to vote and who otherwise completes the application accurately shall not be considered to have made a false statement under this subsection by his or her unintentional failure to decline to register on a motor vehicle driver's license or nondriver identification card application under section 2145a of this chapter or on a designated automatic voter registration agency's application under subsection 2145b(e) of this chapter.

(g) A voter who moves from one address in a town in which that voter is registered to another address in the same town, or whose name has been changed, shall not be required to reapply as provided in this section, but shall notify the town clerk of his or her new name or address, unless such information has been provided to the Department of Motor Vehicles or a voter registration agency, so that the voter's name may be changed or transferred, if necessary, to the proper subdivision of the checklist. The voter registration application form may be used to notify the clerk or the board that the voter has changed his or her name or address.

#### **§ 2145a. Registrations at the Department of Motor Vehicles**

(a) An application for, or renewal of, a motor vehicle driver's license or nondriver identification card shall serve as a simultaneous application to register to vote unless the applicant checks the box on the application designating that he or she declines to use the application as a voter registration application.

(b)(1) A motor vehicle driver's license or nondriver identification card application shall provide and request the following information and shall be in the form approved by the Secretary of State:

- (A) The applicant's citizenship.
- (B) The applicant's place and date of birth.
- (C) The applicant's town of legal residence.

(D) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(E) The voter's oath.

(F) The applicant's e-mail address, which shall be optional to provide.

(2) A motor vehicle driver's license or nondriver identification card application shall provide the following statements:

(A) "By signing and submitting this application, you are authorizing the Department of Motor Vehicles to transmit this application to the Secretary of State for voter registration purposes. **YOU MAY DECLINE TO REGISTER.** Both the office through which you submit this application and your decision of whether or not to register will remain confidential and will be used for voter registration purposes only."

(B) "In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter's oath; and (4) be 18 years of age or older. Any person meeting the requirements of (1)-(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. Failure to decline to register is an attestation that you meet the requirements to vote."

(3) A motor vehicle driver's license or nondriver identification card application shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

(c) An application for voter registration under this section shall update any previous voter registration by the applicant. Any change of address form submitted to the Department of Motor Vehicles in connection with an application for a motor vehicle driver's license shall serve to update voter registration information previously provided by the voter, unless the voter states on the form that the change of address is not for voter registration purposes.

(d)(1) The Department of Motor Vehicles shall transmit motor vehicle driver's license and nondriver identification card applications received under this section to the Secretary of State not later than five days after the date the application was accepted by the Department, or before the date of any primary or general election, whichever is sooner.

(2) The Department of Motor Vehicles shall not transmit motor vehicle driver's license and nondriver identification card applications when the applicant has designated that he or she declines to be registered.

(3) The Department of Motor Vehicles shall ensure confidentiality of records as required by subdivision (b)(2)(A) of this section.

(e) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate municipalities.

(f) In transmitting applications received under this section, the Secretary shall ensure compliance with the requirements of 15 V.S.A. chapter 21, subchapter 3.

(g) If a person who is ineligible to vote becomes registered to vote pursuant to this section in the absence of a violation of subsection 2145(f) of this chapter, that person's registration shall be presumed to have been effected with official authorization and not the fault of that person.

(h) The Secretary shall take appropriate measures to educate the public about voter registration under this section.

(i) Notwithstanding the provisions of subsection (d) of this section or any other provision of law to the contrary, the Department of Motor Vehicles shall share its motor vehicle driver's license, driver privilege card, and nondriver identification card customer data with the Secretary of State's office for the Secretary's use in conducting voter registration and voter checklist maintenance activities.

#### **§ 2145b. Voter registration agencies**

(a) Each voter registration agency shall:

(1) distribute voter registration application forms approved under section 2145 of this title;

(2) assist applicants in completing voter registration application forms, unless the applicant refuses such assistance; and

(3) accept completed voter registration applications and transmit completed applications to the Secretary of State not later than 10 days after the date of acceptance, or before the date of any primary or general election, whichever is sooner.

(b) The Secretary shall promptly transmit applications received under this section to the clerks of the appropriate municipalities.

(c)(1) A voter registration agency shall provide each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the voter registration application that the office provides with regard to the completion of its own forms, unless the applicant refuses such assistance.

(2) If an agency provides services to a person with a disability at the person's home, the agency shall provide the services described in subsection (a) of this section at the person's home.

(d) Except as provided in subsection (e) of this section, a voter registration agency that provides services or assistance in addition to conducting voter registration shall distribute a voter registration application with each application for the services or assistance provided by the agency, and with each recertification, renewal, or change of address form relating to those services or assistance. In addition to the voter registration application form, the agency shall distribute a separate form that includes the following:

(1) The question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?"

(2) In the case of an agency that provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency."

(3) Boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote, together with the statement, "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME."

(4) The statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."

(5) The statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, you may file a complaint with the Secretary of State (Secretary of State's office address and telephone number)."

(e) The Secretary of State may designate voter registration agencies that shall provide qualified applicants for such agency's services, or qualified inmates within the custody of the Department of Corrections, with automatic voter registration as an integrated option on application forms for services provided by those agencies.

(1) Such designations shall be limited to a voter registration agency or a specific program administered by such an agency:

(A) that, in the regular course of the agency's or program's business, already collects and verifies documents necessary to provide proof of an individual's eligibility to vote under subchapter 1 of this chapter; and

(B) whose secretary, commissioner, or other applicable head of the agency has approved of such designation.

(2) A voter registration agency shall not collect data necessary to establish an individual's eligibility to vote solely for the purpose of being designated an automatic voter registration agency under this subsection.

(3) On or before January 1 of each year, the Secretary shall, in accordance with the approval given by a voter registration agency's secretary, commissioner, or other head:

(A) publish on his or her official website a list of voter registration agencies designated under this subsection;

(B) specify which programs or services offered by each agency are included within the designation; and

(C) provide the date by which the agency's specified programs or services will comply with requirements of this subsection.

(4) Beginning on the date by which a voter registration agency's specified programs or services will comply with requirements of this subsection, an application for those services and any change of address form related to those services provided by the agency shall request the following information in a form approved by the Secretary of State:

(A) The applicant's citizenship.

(B) The applicant's date of birth.

(C) The applicant's town of legal residence.

(D) The applicant's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(E) The voter's oath

(F) The applicant's e-mail address, which shall be optional to provide

(5) An application for a designated automatic voter registration agency's services shall provide the following statements:

(A) "By signing and submitting this application, you are authorizing this voter registration agency to transmit this application to the Secretary of State for voter registration purposes. **YOU MAY DECLINE TO REGISTER.** Both the office through which you submit this application and your decision of whether or not to register will remain confidential and will be used for voter registration purposes only."

(B) “In order to be registered to vote, you must: (1) be a U.S. citizen; (2) be a resident of Vermont; (3) have taken the voter’s oath; and (4) be 18 years of age or older. Any person meeting the requirements of (1)–(3) who will be 18 years of age on or before the date of a general election may register and vote in the primary election immediately preceding that general election. Failure to decline to register is an attestation that you meet the requirements to vote.”

(6)(A) An application for a designated automatic voter registration agency’s services shall provide the penalties provided by law for submission of a false voter registration application and shall require the signature of the applicant, under penalty of perjury.

(B) If a person who is ineligible to vote becomes registered to vote pursuant to this subsection in the absence of a violation of subsection 2145(f) of this chapter, that person’s registration shall be presumed to have been effected with official authorization and not the fault of that person.

(f)(1) The Secretary of State shall have the authority to audit any voter registration agency to determine compliance with the requirements of this section and to require any voter registration agency to implement any remedial measures necessary to ensure compliance with this section.

(2) The Secretary of Administration shall provide the Secretary of State any assistance that is necessary to ensure the cooperation of voter registration agencies in implementing any remedial measures the Secretary of State requires under this subsection.

### **§ 2145c. Submission of voter registration forms by other persons or organizations**

Any person or any organization other than a voter registration agency that accepts a completed voter registration form on behalf of an applicant shall submit that form to the town clerk of the town of that applicant not later than seven days after the date of acceptance, or before the date of any primary or general election, whichever is sooner.

### **§ 2146. Action of board of civil authority or town clerk in revising checklist**

(a) At a meeting to revise the checklist, the board of civil authority shall determine whether any person who has applied to be registered to vote meets the requirements of section 2121 of this title. On demand of a majority of the board present, applicants may be examined under oath concerning the facts stated in the application. The board may make such investigation as it deems proper to verify any statement made under oath by an applicant.

(b) As soon as possible, after receipt of an application, the board or, upon request of the board, the town clerk shall inform an applicant of its action as provided in subsection (d) of section 2145 of this chapter. If the board rejects an applicant, it shall also notify him or her forthwith, in person or by first class mail directed to the address given in the application, of its reasons. The notice shall be in substantially the following form:

REJECTION OF APPLICATION FOR ADDITION TO CHECKLIST

The Board of Civil Authority of ..... (Town/City) having met on .....20 .... to consider applications for addition to the checklist, have found probable cause, as stated below, to reject the application of .....

(Name)

Cause for rejection:

(a) AGE:

(b) CITIZENSHIP:

(c) VOTER'S OATH:

(d) RESIDENCE:

The Board of Civil Authority will meet on the ..... day of ....., 20 ....., at ..... o'clock at the following location: ..... to reconsider your application and give you an opportunity to appear before the Board. You may present any information or witnesses you wish at that time, or you may appeal directly to any Superior or District judge in this county or district.

.....  
Town Clerk or Chairman of Board of Civil Authority

(c) If the notice required under subsection (b) of this section is returned undelivered, the board of civil authority shall proceed to remove the person's name from the checklist in the manner set forth in section 2150 of this title.

**§ 2147. Alteration of checklist**

(a) Pursuant to section 2150 of this title, the board of civil authority or, upon request of the board, the town clerk shall add to the checklist the names of the voters added and the names omitted by mistake and shall strike the names of persons not entitled to vote. The list so corrected shall not be altered except by:

(1) adding the names of persons as directed by any Superior judge on appeal;

(2) adding the names of persons who are legal voters at the election but whose names are further discovered to be omitted from the completed checklist solely through inadvertence or error;

(3) adding the names of persons who present a valid application for addition to the checklist of that town or a copy thereof, and who otherwise are qualified to be added to the checklist;

(4) [Repealed.]

(5) subdividing the checklist as provided in section 2501 of this title, including the transfer of names of voters who have moved within a town in which they are already registered from one voting district within that town to another; or

(6) adding the names of persons who previously submitted an incomplete application and who provide that information on or before election day.

(b) Any correction or transfer may be accomplished at any time until the closing of the polls on election day. Each voter has primary responsibility to ascertain that his or her name is properly added to and retained on the checklist.

#### **§ 2148. Appeal from board of civil authority**

(a) Any person whose application to vote has been rejected or whose name has been removed from the checklist may appeal to any superior or district judge in the county or district in which the applicant claims residence. If there is no judge available in the county or district, the appeal may be taken to any superior or district judge. When an appeal is initiated after the Thursday immediately preceding the day of an election, it shall be conducted at once by the judge. In all instances, the appeal shall be conducted with sufficient speed, in order to resolve, when possible, all issues on appeal in sufficient time to permit a successful appellant to vote at the pending election. Neither formal pleadings nor filing fee shall be required and an appellant may represent himself or herself.

(b) An appeal is commenced by presenting an informal but written notice of appeal to the judge to whom the appeal is taken. The notice need only be sufficient to identify the appellant and the town in which he or she has been denied eligibility to vote. The judge shall forthwith schedule a hearing and notify the appellant and the town clerk, personally or by certified mail. The appellant and any other person may present evidence at the hearing, which shall be conducted informally so as to do substantial justice to all parties.

(c) Upon conclusion of the hearing the judge shall issue a written order, either affirming the decision of the board of civil authority or ordering that the appellant's name be added to the checklist. The applicant shall not be permitted to vote unless and until the town clerk receives a written order from the court ordering that the applicant be permitted to vote.

#### **§ 2149. Conclusiveness of list**

(a) A person shall not vote at an election unless his or her name is on the checklist applicable to the municipality, but the checklist may be amended and corrected for such election as provided in this title. The eligibility of a person to vote shall not be challenged on the day of election if the person's name is on the checklist, except as provided in section 2564 of this title.

(b) Notwithstanding the provisions of subsection (a) of this section:

(1) If the voter registration records indicate that a voter has moved from an address in the area covered by the polling place, the voter shall be permitted to vote at that polling place if the voter makes an oral or written affirmation that he or she continues to reside in the area covered by that polling place. The affirmation authorized by this subdivision shall be made at the polling place before an election official.

(2) If a voter who failed to return notice sent pursuant to section 2150 of this title has moved from an address in the area covered by one polling place to an address in an area covered by a different polling place within the same municipality, the voter shall upon oral or written confirmation, be permitted to correct the voting records and vote in the current election at the appropriate polling place. The affirmation authorized by this subdivision shall be made at the appropriate polling place before an election official.

#### **§ 2150. Removing names from checklist**

(a)(1) When a voter from one political subdivision becomes a resident of another political subdivision and is placed on the checklist there, the town clerk shall notify the clerk of the political subdivision where the voter was formerly a resident by submitting the notification electronically within the statewide voter checklist system or by mailing to that clerk a copy of the voter registration application form or other official notice, and that clerk shall strike the voter's name from the checklist of that political subdivision.

(2) When a town clerk receives a copy of the death certificate of a voter, public notice of the death of a voter, or official notice from the Department of Motor Vehicles that a voter has authorized his or her address to be changed for voting purposes, the clerk shall strike the voter's name from the checklist.

(3) A town clerk shall also strike from the checklist the name of any voter who files a written request that his or her name be stricken.

(b) The board of civil authority at any time may consider the eligibility of persons on the checklist whom the board believes may be deceased, may have moved from the municipality, or may be registered in another place and may remove names of persons no longer qualified to vote. However, the board shall not remove any name from the checklist except in accordance with the procedures in subsection (d) of this section, and any systematic program for removing names from the checklist shall be completed at least 90 days before an election.

(c) In addition to any actions it takes under subsections (a) and (b) of this section, by September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. In every case where the board of civil authority is unable to determine under subdivisions (d)(1) and (2) of this section that a person is still qualified to vote, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the person and take appropriate action as provided in subdivisions (d)(3) through (5) of this section. The intent is that when this process is completed there will have been some confirmation or indication of continued eligibility for each person whose name remains on the updated checklist.

(d) Except as provided in subsection (a) of this section, a board of civil authority shall only remove a name from the checklist in accordance with the following procedure:

(1) If the board of civil authority is satisfied that a voter whose eligibility is being considered is still qualified to vote in the municipality, the voter's name shall remain on the checklist, and no further action shall be taken.

(2)(A)(i) If the board of civil authority does not immediately know that the voter is still qualified to vote in the municipality, the board shall attempt to determine with certainty what the true status of the voter's eligibility is.

(ii) The board of civil authority may consider and rely upon official and unofficial public records and documents, including telephone directories, city directories, newspapers, death certificates, obituaries (or other public notices of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years.

(iii) The board of civil authority may also designate one or more persons to attempt to contact the voter personally.

(B) Any voter whom the board of civil authority finds through such inquiry to be eligible to remain on the checklist shall be retained without further action being taken.

(C) The name of any voter proven to be deceased shall be removed from the checklist.

(3)(A)(i) If after conducting its inquiry the board of civil authority or town clerk is unable to locate a voter whose name is on the checklist, or if the inquiry reveals facts indicating that the voter may no longer be eligible to vote in the municipality, the board of civil authority or, upon request of the board, the town clerk shall send a written notice to the voter.

(ii) The notice shall be sent by first class mail to the most recent known address of the voter asking the voter to verify his or her current eligibility to vote in the municipality.

(iii) The notice shall be sent with the required U.S. Postal Service language for requesting change of address information.

(B) Enclosed with the notice shall be a postage-paid pre-addressed return form on which the voter may reply swearing or affirming the voter's current place of residence as the municipality in question or alternatively consenting to the removal of the voter's name.

(C) The notice required by this subsection shall also include the following:

(i) A statement informing the voter that if the voter has not changed his or her residence, or if the voter has changed his or her residence but the change was within the area covered by the checklist, the voter should return the form to the town clerk's office. The statement shall also inform the voter that if he or she fails to return the form as provided in this subdivision, written affirmation of the voter's address shall be required before the voter is permitted to vote.

(ii) Information concerning how the voter can register to vote in another state or another municipality within this State.

(4) If the voter confirms in writing that the voter has changed his or her residence to a place outside the area covered by the checklist, the board of civil authority shall remove the voter's name from the checklist.

(5) In the case of voters who failed to respond to the notice sent pursuant to subdivision (3) of this subsection, the board of civil authority shall remove the voter's name from the checklist on the day after the second general election following the date of such notice, if the voter has not voted or appeared to vote in an election since the notice was sent or has not otherwise demonstrated his or her eligibility to remain on the checklist.

(6)(A) Notwithstanding the provisions of subdivision (5) of this subsection, if at any time subsequent to removal of a person's name from the checklist, the board determines that the person was still qualified to vote and that the voter's name should not have been removed, the board shall add the person's name to the checklist as provided in section 2147 of this chapter.

(B) The provisions of this chapter shall be liberally construed, so that if there is any reasonable doubt whether a person's name should have been removed from the checklist the person shall have the right to have the person's name immediately returned to the checklist.

(7)(A) The board of civil authority shall keep detailed records of its proceedings under this subchapter for at least two years. These records, except records relating to a person's decision not to register to vote or to the identity of the voter registration agency through which any particular voter registered, shall be public records and shall be available for inspection and copying at actual cost. The records shall include:

(i) in the case of each name removed from the checklist, a clear statement of the reason or reasons for which the name was removed;

(ii) in the case of the updating of the checklist required by subsection (c) of this section, the working copy or copies of the checklist used in the name by name review conducted to ascertain continued eligibility to vote;

(iii) the total number of new registrations occurring during the period between general elections;

(iv) the total number of persons removed from the checklist during the period between general elections; and

(v) lists of the names and addresses of all persons to whom notices were sent under this subsection, and information concerning whether or not each person to whom a notice was sent responded to the notice as of the date that inspection of the records is made.

(B)(i) A letter certifying compliance with this section shall be filed with the Secretary of State on or before September 20 of each odd-numbered year.

(ii) Upon request of any Superior judge or upon request of the Secretary of State the town clerk shall forward a certified copy of the records of checklist maintenance.

#### **§ 2151. Federal district court**

Within 10 days after the date of a presidential election, the town clerk shall send an unmarked checklist, which was up to date as of election day, to the clerk of the federal district court for the district of Vermont, and shall receive the normal fee for such documents.

#### **§ 2152. Division of checklist**

A town clerk may divide the checklist into active and inactive sections. The active section shall include all the qualified voters of the town, except for those voters included in the inactive section, pursuant to this provision. The inactive section shall include only those voters who have failed to respond to the notice sent pursuant to subdivision 2150(d)(3) of this title. The active and inactive designations are for recordkeeping purposes only, and shall have no bearing on voting eligibility.

#### **§ 2153. Birthday registration drive**

The secretary of state may develop and implement a statewide voter registration program for the purpose of encouraging persons to register to vote on their 18th birthday.

#### **§ 2154. Statewide voter checklist**

(a) The Secretary of State shall maintain a uniform and nondiscriminatory statewide voter registration checklist. This checklist shall serve as the official voter registration list for all elections in the State. In establishing the statewide checklist, the Secretary shall:

(1) limit a town clerk to adding, modifying, or deleting applicant and voter information on the portion of the checklist for that clerk's municipality;

(2) limit access to the statewide voter checklist for a local elections official to verifying whether the applicant is registered in another municipality in the State by a search for the individual voter;

(3) notify a local elections official when a voter registered in that official's district registers in another voting district so that the voter may be removed from that official's district checklist;(4) provide adequate security to prevent unauthorized access to the checklist; and

(5) ensure the compatibility and comparability of information on the checklist with information contained in the Department of Motor Vehicles' computer systems; and

(6) make reasonable efforts on an ongoing basis to compare the information on the checklist with data or information contained in any State agency's database, a database administered by the federal government, or any database of another state or consortium of states, where possible, in an effort to maintain the accuracy and currency of the checklist.

(b)(1) A registered voter's month and day of birth, driver's license or nondriver identification number, telephone number, e-mail address, and the last four digits of his or her Social Security number shall be kept confidential and are exempt from public inspection and copying under the Public Records Act.

(2) A public agency as defined in 1 V.S.A. § 317 and any officer, employee, agent, or independent contractor of a public agency shall not knowingly disclose a copy of all of the statewide voter checklist or a municipality's portion of the statewide voter checklist, or any other municipal voter checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity for the purpose of:

(A) registration of a voter based on his or her information maintained in the checklist

(B) publicly disclosing a voter's information maintained in the checklist; or

(C) comparing a voter's information maintained in the checklist to personally identifying information contained in other federal or state databases.

(c)(1) Any person wishing to obtain a copy of all of the statewide voter checklist must swear or affirm, under penalty of perjury pursuant to 13 V.S.A. chapter 65, that the person will not:

(A) use the checklist for commercial purposes; or

(B) knowingly disclose the checklist to any foreign government or to a federal agency or commission or to a person acting on behalf of a foreign government or of such a federal entity in circumvention of the prohibited purposes for using the checklist set forth in subdivision (b)(2) of this section

(2) The affirmation shall be filed with the Secretary of State.

(d) An elections official shall not access the portion of the statewide voter checklist that is exempt from public inspection pursuant to 1 V.S.A. § 317(c)(31), except for elections purposes.

## **CHAPTER 45: POLITICAL PARTIES**

### **§ 2301. Organization of major political parties**

A major political party shall organize biennially as provided in this chapter. A person acting on behalf of a major political party shall not accept any contribution or make any expenditure (except for the purpose of organizing under this chapter) unless the party has a current certificate of organization on file with the secretary of state.

### **§ 2302. State chair to call caucus**

(a) The chair of the State committee of a party shall set a date for members of the party to meet in caucus in their respective towns. The date shall be between September 10 and September 30, inclusive, in each odd numbered year.

(b) At least 14 days before the date set for the caucuses, the State chair shall mail or electronically mail a notice of the date and purpose of the caucuses to each town clerk and to each town and county chair of the party.

### **§ 2303. Town chair to give notice**

(a) The town chair or, if unavailable or if the records of the Secretary of State show there is no chair, any three voters of the town shall arrange to hold a caucus on the day designated by the State chair, in some public place within the town; and shall set the hour of the caucus.

(b)(1) At least five days before the day of the caucus, the town chair shall post a notice of the date, purpose, time, and place of the caucus in the town clerk's office and in at least one other public place in town.

(2) In towns of 5,000 or more population, he or she shall also publish the notice:

(A) in a newspaper having general circulation in the town; or

(B) in a nonpartisan electronic news media website or online forum that specializes in news of the State or the community.

(c) If three voters arrange to call the caucus, the voters shall designate one person among them to perform the duties prescribed in subsection (b) of this section for the town chair.

#### **§ 2304. Town caucus**

(a)(1) At the time and place set for the town caucus, the voters of the party residing in the town shall meet in caucus and proceed to elect a town committee, consisting of such number of voters of the town as the caucus deems necessary, to serve during the following two years or until their successors are elected or appointed.

(2) Additional members of a town committee may be elected by the town committee at any meeting, and may be eligible to vote on matters before the town committee at that meeting or at the next meeting, as determined by the members of the committee before the election.

(b) The voter checklist used by the caucus shall be the most recent checklist approved by the board of civil authority.

#### **§ 2305. First meeting of town committee**

(a)(1) The first meeting of the town committee shall be held immediately following adjournment of the caucus.

(2) At this meeting, members of the town committee shall elect committee officers and delegates to the county committee.

(b) All officers and other members of the town committee and all delegates to the county committee shall be voters of the town.

#### **§ 2306. Procedure upon failure to hold caucus**

If the voters of the party residing in any town fail to hold a caucus on the day designated by the State chair, any three or more voters of the party residing in the town may call and hold a caucus at any time thereafter, in the manner provided in sections 2303 through 2305 of this chapter. Those

voters calling the caucus shall designate one person among them to perform the duties prescribed in section 2303 for the town chair.

### **§ 2307. Certification of officers and county committee delegates**

(a) Within 72 hours after the caucus, the chair and secretary of the town committee shall submit to the chairs of the State and county committees a copy of the notice calling the meeting and a certified list of the names, mailing addresses, phone numbers, and e-mails of the officers and members of the town committee and of the delegates to the county committee.

(b) A committee is not considered organized until a certificate of organization is filed by the State committee with the Secretary of State pursuant to section 2313 of this chapter.

(c) The Secretary of State shall furnish forms for this purpose to the chair of the State committee of a political party.

### **§ 2308. Composition of county committee**

(a) The number of delegates to the county committee which each town caucus is entitled to elect shall be apportioned by the state committee, based upon the number of votes cast for the party's candidate for governor in the last election, provided that each town caucus shall be entitled to elect at least two delegates.

(b) Delegates to the county committee shall be voters of the town, but need not be members of the town committee.

(c) Delegates shall serve for two years following their election or until their successors are elected or appointed.

### **§ 2309. First meeting of county committee**

(a)(1) The chair of the State committee shall set a date for the first meeting of each county committee.

(2) The State chair shall notify the chairs of the county committees of the date of the meeting.

(3)(A) The chair of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail or electronic mail not less than 10 days prior to the meeting.

(B) If the chair of the county committee receives notice that a town committee within the county has organized 10 or fewer days before the date of the first meeting of the county committee,

the chair shall notify the newly elected members within 48 hours of receiving notice of the organized town committee.

(b)(1) At the time and place set for the meeting, the delegates shall proceed to elect their officers and perfect an organization of the county committee for the ensuing two years.

(2) All officers and other members of the county committee and all delegates to the State committee shall be voters of the county.

### **§ 2310. Election of State committee**

(a)(1) The chair of the county committee shall be a member of the State committee.

(2) Each county committee shall be entitled to elect at least two additional members of the State committee. These delegates need not be members of the county committee.

(3) If the rules or bylaws of a State committee provide for apportionment of additional members of the State committee to come from the county, the county committee also shall elect those additional members.

(b) All county committee members and officers and all persons elected to the State committee shall be voters in the county from which they are elected.

(c) County committee members and delegates to the State committee shall serve for two years following their election or until their successors are elected or appointed.

### **§ 2311. Certification of county officers and State committee members**

(a) Within 72 hours of the first meeting of the county committee, its chair and secretary shall submit to the chair of the State committee a copy of the notice calling the meeting and a certified list of the names, mailing addresses, phone numbers, and e-mails of the officers of the county committee and of the members elected by the county committee to the State committee.

(b) A committee is not considered organized until a certificate of organization is filed by the State committee with the Secretary of State pursuant to section 2313 of this chapter.

(c) The Secretary of State shall prescribe and furnish forms for this purpose.

### **§ 2312. First meeting of the State committee**

(a) The chair of the State committee shall name an hour and place of meeting, at which time the members-elect of the State committee shall meet and perfect an organization of the State committee for the ensuing two years.

(b) The chair of the State committee shall notify all members-elect of the State committee in writing, at least 10 days before the day set for the meeting.

### **§ 2313. Filing of certificate of organization**

(a)(1) Within 10 days after the first meeting of the State committee of a party, the chair and secretary shall file in the office of the Secretary of State a certificate stating that the party has completed its organization for the ensuing two years and has substantially complied with the provisions of this chapter.

(2) However, no State committee shall be eligible to file a certificate of organization unless it has town committees organized in at least 30 towns in this State and county committees organized in at least seven counties by January 1 of the year of the general election.

(b) The certificate of organization shall:

(1) set forth the names, mailing addresses, phone numbers, and e-mails of the officers and members of the State committee, together with the counties which they represent;

(2) contain a listing of the towns and counties in which committees have organized;

(3) designate, in not more than three words, the name by which the party shall be identified on any Australian ballot; and

(4) be accompanied by a copy of the notice calling the meeting.

(c) The Secretary of State shall prescribe and furnish the form to be used for this purpose.

(d) Upon receipt of a certificate of organization, the Secretary of State promptly shall notify all persons who have registered with the Secretary of State asking to be notified of such filings.

(e)(1) Within 10 days, the Secretary of State shall accept a certificate of organization if it appears to be valid on its face or reject it if it is not.

(2) The Secretary of State may reject a certificate of organization if the political or other name is not substantially different from the name of any organized political party.

(3) When a certificate is rejected, the Secretary of State promptly shall notify the chair and secretary of the committee to inform them in writing of the reasons for rejection.

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

#### **§ 2314. Officers required**

Every committee of a political party is required to elect a chair, a vice chair, a secretary, and a treasurer, who need not be members of the committee at the time of their election, but who become members, with full voting rights, upon their election. A committee may also elect from among its members such other officers as it deems appropriate to its work.

#### **§ 2315. [Repealed]**

#### **§ 2316. [Repealed]**

#### **§ 2317. Voters not to participate in more than one party**

A voter shall not vote in a town, county, or State caucus of more than one party in the same 12 month period, nor shall any voter simultaneously hold membership on the committees of more than one political party.

#### **§ 2318. Organization of minor political parties**

A minor political party may organize in the manner set forth in this subchapter or in another manner which its members deem appropriate. Minor political parties shall comply with the filing requirements of sections 2307, 2311 to the extent applicable, and 2313 of this chapter, except that they need not be organized in 30 towns or in seven counties. They shall also comply with the procedural requirements of sections 2303 through 2306 and 2313 of this title, but need not comply with other procedural requirements in sections 2301, 2302, 2308 through 2310, and 2312 of this title. Minor political parties shall also comply with sections 2314 through 2317 of this title.

#### **§ 2319. Party conventions for platforms**

On or before the fourth Tuesday in September in each even-numbered year, upon the call of the chair of the State committee of the party, a party platform convention of each organized political party shall be held to make and adopt the platform of the party.

#### **§ 2320. [Repealed]**

## **CHAPTER 47: PARTY ORGANIZATION**

### **§ 2321. Representative district committee**

The "representative district committee" of a party shall consist of those members of the town committee residing in a representative district. A representative district committee may encompass less than an entire town or may extend across town lines. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least five days' written notice to all other members; thereafter, the committee shall meet at the call of the chair.

### **§ 2322. Senatorial district committee**

The "senatorial district committee" of a party shall consist of those members of the county committee residing in a senatorial district. A senatorial district committee may encompass less than an entire county or may extend across county lines. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. Any three members may call the first meeting by giving at least five days' written notice to all other members; thereafter, the committee shall meet at the call of the chair.

### **§ 2323. Probate district committee**

The "probate district committee" of a party shall consist of those members of the county committee residing in a probate district. Such a committee shall elect its own officers when called upon to meet, but it need not meet unless required to perform some function under this title. The chair of the county committee may call the first meeting by giving at least five days' written notice to all other members; thereafter the committee shall meet at the call of the probate district chair.

## **CHAPTER 49: NOMINATIONS**

### **Subchapter I: Primary Elections**

#### **§ 2351. Primary election**

A primary election shall be held on the second Tuesday in August in each even-numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for President and Vice President of the United States, their electors, and justices of the peace.

**§ 2352. Nomination of candidates prior to special election**

When the governor or any court, pursuant to law, orders a special election to be held for any of the offices covered by section 2351 of this title, a special primary election shall be held on the Tuesday which falls not less than 60 days nor more than 66 days prior to the date set for the special election. The nomination of candidates prior to a special election, including nomination both by primary and by other means, shall be governed by the rules applicable to nomination of candidates prior to the general election, except as may be specifically provided in this chapter. The term "general election," as used in this chapter, shall be deemed to include a special election, unless the context requires a different interpretation.

**§ 2353. Petitions to place names on ballot**

(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for the office indicated, if a petition containing the requisite number of signatures made by registered voters, in substantially the following form, is filed with the proper official, together with the person's written consent to having his or her name printed on the ballot:

I join in a petition to place on the primary ballot of the ..... party the name of ....., whose residence is in the (city), (town) of ..... in the county of ....., for the office of ..... to be voted for on Tuesday, the ..... day of August, 20 .....; and I certify that I am at the present time a registered voter and am qualified to vote for a candidate for this office.

(b)(1) A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election.

(2) A single petition shall contain only one office for which a person seeks to be a candidate.

(3) A person shall file a separate petition for each office for which he or she seeks to be a candidate.

**§ 2354. Signing petitions**

(a) Any number of voters may sign the same petition.

(b)(1) A voter's signature shall not be valid unless at the time he or she signs, the voter is registered and qualified to vote for the candidate whose petition he or she signs.

(2) Each voter shall indicate his or her town of residence next to his or her signature.

(c) The signature of a voter on a candidate's petition does not necessarily indicate that the voter supports the candidate.

(d) A petition shall contain the name of only one candidate.

#### **§ 2355. Number of signatures required**

The number of signatures on primary petitions shall be not less than:

(1) For state and congressional officers, 500 hundred;

(2) For county officers or state senator, 100 hundred;

(3) For representative to the general assembly, 50.

#### **§ 2356. Time for filing petitions**

(a) Primary petitions for major party candidates shall be filed not earlier than the fourth Monday in April and not later than 5:00 p.m. on the fourth Thursday after the first Monday in May preceding the primary election prescribed by section 2351 of this chapter, and not later than 5:00 p.m. of the 62nd day prior to the day of a special primary election.

(b) A petition or statement of nomination shall apply only to the election cycle in which the petition or statement of nomination is filed.

#### **§ 2357. Place of filing petition**

(a) Primary petitions and consent forms shall be filed as follows:

(1) For state and congressional officers, with the secretary of state;

(2) For county officers with the county clerk;

(3) For state senator, with the senatorial district clerk;

(4) For representative to the general assembly, with the representative district clerk.

(b) The public official designated to accept a petition shall not accept a nominating petition unless a completed and signed consent form is filed at the same time.

### **§ 2358. Examining petitions, supplementary petitions**

(a) The officer with whom primary petitions are filed shall examine them and ascertain whether they contain a sufficient number of legible signatures. The officer shall not attempt to ascertain whether there are a sufficient number of signatures of actual voters, however, unless the officer has reason to believe that the petitions are defective in this respect.

(b) If found not to conform, he or she shall state in writing on a particular petition why it cannot be accepted, and within 72 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than 10 days after the date for filing petitions. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the required number were not received by the filing deadline.

(c) A signature shall not count for the purpose of meeting the requirements of section 2355 of this title if the officer with whom primary petitions are filed:

(1) cannot identify the name of the person who signed; or

(2) if necessary, determines that the person is not on the checklist of the town which the person indicates as his town of residence.

(d) An officer with whom primary petitions may be filed may obtain from the appropriate town clerks certified copies of current checklists as needed to verify the adequacy of primary petitions; town clerks who are asked by a filing officer to furnish certified copies of checklists for this purpose shall furnish the copies promptly and without charge.

### **§ 2359. Notification to secretary of state**

Within three days after the last day for filing petitions, all town and county clerks who have received petitions shall notify the secretary of state of the names of all candidates, the offices for which they have filed, and whether each has submitted a sufficient number of valid signatures to comply with the requirements of section 2355 of this title. Town and county clerks shall also notify the secretary of state of any petitions found not to conform to the requirements of this chapter and returned to a candidate under section 2358 of this title, and shall notify the secretary of state of the status of such petition not later than two days after the last day for filing supplementary petitions.

### **§ 2360. Preservation of petitions**

The secretary of state and county and town clerks shall retain the primary petitions filed with them until 30 days following the general election for which they were used, at which time they may be destroyed.

### § 2361. Consent of candidate

(a) A candidate for whom petitions containing sufficient valid signatures have been filed shall file with the official with whom the petitions were filed a consent to the printing of the candidate's name on the ballot. The Secretary of State shall prepare and furnish forms for this purpose.

(b)(1) The consent shall set forth the name of the candidate, as the candidate wishes to have it printed on the ballot, the candidate's town of residence, and correct mailing address.

(3) If a candidate wishes to use a nickname, the format on the ballot shall be the candidate's first name, the nickname set off in quotations, and the candidate's last name.

(A) A nickname of one or two words by which the candidate has been commonly known for at least three years preceding the election may be used in combination with a candidate's name. A nickname that constitutes a slogan or otherwise indicates a political, economic, social, or religious view or affiliation may not be used

(B) A nickname may not be used unless the candidate executes and files with the application for a place on the ballot an affidavit indicating that the nickname complies with this subsection.

(3) Professional titles such as "Dr.," "Esq.," or "CPA" shall not be used as part of a candidate's name on the ballot.

(c) The consent shall be filed on or before the day petitions are due. Unless a consent is filed, the candidate's name shall not be printed on the primary ballot.

### § 2362. Primary ballots

(a) A separate ballot for each major political party shall be printed and furnished to the towns by the Secretary of State and shall contain the names of all candidates for nomination by that party at the primary. Ballots shall be printed on index stock and configured to be readable by vote tabulators. Ballots shall be printed in substantially the following form:

OFFICIAL VERMONT PRIMARY ELECTION BALLOT

VOTE ON ONE PARTY BALLOT ONLY AND PLACE IN BALLOT

BOX OR VOTE TABULATOR

ALL OTHER PARTY BALLOTS MUST BE PLACED IN UNVOTED BALLOT BOX

---

[MAJOR POLITICAL PARTY NAME]

---

Instructions to voters: Use black pen or pencil to fill in the oval. To vote for a person whose name is printed on the ballot, fill in the oval to the right of the name of that person. To vote for a person whose name is not printed on the ballot, write or stick his or her name in the blank space provided and fill in the oval to the right of the write-in space. Do not vote for more candidates than the “Vote for Not More Than” number for an office. If you make a mistake, tear, or deface the ballot, return it to an election official and obtain another ballot. Do not erase.

(b) Following the names of candidates printed on the ballot after the name of each office to be filled shall be as many blank lines for write-in candidates as there are persons to be elected to that office. If no primary petition is filed for an office or for a candidate belonging to a party, the ballot shall contain the name of the office and blank lines for write-in candidates.

### **§ 2363. Voter’s choice of party**

(a) A voter shall vote for the candidates of one party only. A person voting at the primary shall not be required to indicate his or her party choice to any election official.

(b) [Repealed]

### **§§ 2364-2367. [Repealed]**

### **§ 2368. Canvassing committee meetings**

After the primary election is conducted:

(1) The canvassing committee for state and national offices and statewide public questions shall meet at 10 a.m. one week after the day of the election.

(2) The canvassing committee for county offices, countywide public questions, and State Senator shall meet at 10 a.m. on the third day following the election.

(3) The canvassing committees for local offices, local public questions, and State Representative, shall meet at 10 a.m. on the day after the election, except that in the case of canvassing committees for state representative in multi-town representative districts, the committees shall meet at 10 a.m. on the third day after the election.

### **§ 2369. Determining winner; tie votes**

(a) A person who receives a plurality of all the votes cast by a party in a primary shall be a candidate of that party for the office designated on the ballot.

(b)(1) If, after the period for requesting a recount under section 2602 of this title has expired, no candidate has requested a recount and two or more candidates of the same party are tied for the same office, or if the results of any recount result in a tie the choice among those tied shall be determined upon five days' notice and not later than 10 days following the primary election by the committee of that party, which shall meet to nominate a candidate from among the tied candidates. The committee that nominates a candidate shall be as follows:

(A) the State committee of a party for a State or congressional office;

(B) the senatorial district committee for State Senate;

(C) the county committee for county office; or

(D) the representative district committee for a Representative to the General Assembly.

(2) The committee chair shall certify the candidate nomination for the general election to the Secretary of State within 48 hours of the nomination.

#### **§ 2370. Write-in candidates**

(a) A write-in candidate shall not qualify as a primary winner unless he or she receives at least one-half the number of votes as the number of signatures required for his or her office on a primary petition, except that if a write-in candidate receives more votes than a candidate whose name is printed on the ballot, he or she may qualify as a primary winner.

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

#### **§ 2371. Nominees; notice to nominees**

(a) The canvassing committee shall prepare and sign certificates of nomination and mail or deliver in person to each candidate nominated a notice of his or her nomination within two days after their meeting. On each certificate the canvassing committee shall indicate the name, town of residence, party affiliation, and mailing address of the candidate nominated. At the same time that they mail or deliver the certificates of nomination, the canvassing committees shall also file with the office of the secretary of state a list showing the vote for each candidate of each party for each office.

(b) Unless a person who is notified of being nominated withdraws the candidacy, the person's name, residence, and party affiliation shall be printed upon the general election ballot in the same manner as they appear in the notice of nomination; provided, however, that within five days of the date of mailing or personal delivery a candidate may request that an error in the candidate's name,

residence, or party affiliation be corrected or that the candidate's preference as to the candidate's own name be used on the ballot. The candidate shall also have the right to make the choice as set forth in section 2474 of this title.

## **Subchapter II: Nomination by Party Committee**

### **§ 2381. Applicability of subchapter**

(a) A candidate may also be nominated and have the candidate's name printed on the general election ballot in accordance with the provisions set forth in this subchapter, in the following instances:

(1) In case of a vacancy on the general election ballot occasioned by death, removal, or withdrawal of a candidate, or the failure of a major political party to nominate a candidate by primary;

(2) In case a minor political party desires to nominate a candidate for any office for which major political parties nominate candidates by primary or for the offices of President and Vice President of the United States;

(3) In case of nomination for the office of justice of the peace, in the event that such nomination has not already been made by caucus as provided in section 2413 of this chapter.

(b) In no event may any committee nominate a candidate or candidates for statewide office under this subchapter unless the political party has town committees organized in at least 10 towns in this State in accordance with procedures in chapter 45 of this title.

### **§ 2382. Which committee to nominate**

Nominations of party candidates pursuant to this subchapter shall be made by the following political committee of the party:

(1) By the State committee in the case of President and Vice President of the United States or State or congressional officers;

(2) By the county committee in the case of county officers;

(3) By the senatorial district committee in the case of the office of state senator;

(4) By the representative district committee in the case of the office of representative to the general assembly;

(5) By the town committee in the case of the office of justice of the peace.

**§ 2383. Notice of meetings**

The chairman of the appropriate committee, or if the chairman has not called a meeting then any three members of the committee, may set a date, time, and place for a committee meeting for the nomination of candidates pursuant to this subchapter and shall give not less than five days' notice in writing to all members of the committee. The notice shall specifically state the offices for which nominations may be made.

**§ 2384. Procedure upon meeting**

At the time and place set for the meeting, the committee shall proceed to nominate such candidates as it may desire pursuant to this subchapter. Nomination shall require a majority of those present and voting, and if no candidate shall have received a majority after two ballots, the candidate with the lowest number of votes in the second and in each succeeding ballot shall be eliminated until a candidate receives a majority.

**§ 2385. Statement by committee officers; consent of candidate**

(a) When a nomination is made under the provisions of this subchapter, the chairman and the secretary of the committee making the nomination shall file a statement of nomination in substantially the following form:

"The ..... met on ..... and nominated the  
(name of committee) (date)

following person (or persons) to be a candidate (or candidates) of the

..... for the office (or offices) indicated  
(Name of political party)

.....  
(Name of candidate) (residence) (office for which nominated)

"Notice of the meeting was properly given in compliance with all requirements of section 2383 of Title 17 and the procedures required by section 2384 of Title 17 were followed. A copy of the notice of the meeting is attached. "We swear under oath that we understand the above provisions of law and that the statements we have made in this document are true. Sworn to before me

.....  
Notary Public

.....  
Signature of Chairman

.....  
Date

.....  
Signature of Secretary

(b) The statement of nomination shall be signed by the chairman or acting chairman and secretary or acting secretary of the committee making the nomination. They shall swear in their statement of nomination that the notice requirements of section 2383 of this title and procedural requirements of section 2384 of this title were complied with and that the persons listed as candidates were nominated at the meeting.

(c) A copy of the notice that was sent to all committee members pursuant to section 2383 of this title shall be filed along with the statement of nomination.

(d) Except in the case of nominations for justice of the peace, the candidate named in the statement shall file a consent to having the candidate's name printed on the ballot, similar in form to the consent required in section 2361 of this title before the last day for filing statements of nomination. It shall be sufficient for meeting this requirement if the candidate signs the statement of nomination with a statement in substantially the following form:

"I consent to having my name printed on the general election ballot for the  
office of \_\_\_\_\_ .  
(office for which nomination was made)

My name (as I wish it to appear on the ballot), town or city of residence and party are as follows:

\_\_\_\_\_  
Name (please print)

\_\_\_\_\_  
Town of residence (please print)

\_\_\_\_\_  
Party (please print)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Mailing Address

(e) In the case of nominations by town committee or caucus for the office of justice of the peace, before filing the statement of nomination the chairman, acting chairman, secretary, or acting secretary shall check with each nominee and confirm that he or she consents to have his or her name printed on the ballot as a candidate for that position and to serve if elected.

### **§ 2386. Time for filing statements**

(a) In the case of the failure of a major political party to nominate a candidate by primary, a statement shall be filed not later than 5:00 p.m. on the sixth day following the primary.

(b) In the case of the death or withdrawal of a candidate after the primary election, the party committee shall have seven days from the date of the death or withdrawal to nominate a candidate. In no event, shall a statement be filed later than 60 days prior to the general election.

(c)(1) In the case of a nomination by a minor political party, a statement shall be filed not earlier than the fourth Monday in April and not later than 5:00 p.m. on the Thursday preceding the primary election described in section 2531 of this chapter and not later than 5:00 p.m. on the third day prior to the day of a special primary election.

(2) A statement shall apply only to the election cycle in which the statement is filed.

(d) In the case of a nomination for the office of justice of the peace, a statement shall be filed as set forth in section 2413 of this chapter.

### **§ 2387. Place for filing statements**

Statements for the office of justice of the peace shall be filed with the town clerk. All other statements and consents shall be filed with the secretary of state.

## **Subchapter III: Independent Candidates**

### **§ 2401. Applicability of subchapter**

A person may be nominated and have his or her name printed on the general election ballot for any office by filing a consent similar in form to the consent prescribed by section 2361 of this title and a statement of nomination with the secretary of state. In the case of a nomination for justice of the peace, the consent form and statement of nomination shall be filed with the town clerk.

### **§ 2402. Requisites of statement**

(a) A statement of nomination shall contain:

(1) The name of the office for which the nomination is made.

(2) The candidate's name and residence.

(3) If desired, a name, or other identification (in not more than three words) to be printed on the ballot following the candidate's name.

(4) In the case of nomination for President or Vice President of the United States:

(A) The name and state of residence of each candidate for such office, together with the name, town of residence, and correct mailing address of each nominee for the office of elector.

(B)(i) The original statement of nomination shall include a certification by the town clerk of each town where the signers appear to be voters that the persons whose names appear as signers of the statement are registered voters in the town and of the total number of valid signers from the town.

(ii) Only the number of signers certified as registered voters by each town clerk on the original statement of nomination forms shall count toward the required number of signatures.

(C) The statement shall also be accompanied by a consent form from each nominee for elector. The consent form shall be similar to the consent form prescribed in section 2361 of this title.

(b)(1) To constitute a valid nomination, a statement shall contain signatures of voters qualified to vote in an election for the office in question, equal in number to at least:

(A) for Presidential and Vice Presidential offices, 1,000;

(B) for State and congressional offices, 500;

(C) for county officers or State Senators, 100;

(D) for Representative to the General Assembly, 50;

(E) for justice of the peace, 30 or one percent of the legal voters of the municipality, whichever is less.

(2) Signatures need not all be contained on one paper.

(c) A statement shall state that each signer is qualified to vote in an election for the office in question and that the voter's residence is as set forth next to the voter's name.

(d)(1) A statement of nomination and a completed and signed consent form shall be filed:

(A) in the case of nomination for President or Vice President of the United States, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the August 1 preceding the presidential general election;

(B) in the case of nomination for justice of the peace, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the third day following the primary election; or

(C) in the case of any other independent candidate, not earlier than the fourth Monday in April and not later than 5:00 p.m. on the Thursday preceding the primary election prescribed by

section 2351 of this chapter, and not later than 5:00 p.m. of the third day prior to the day of a special primary election.

(2) A public official receiving nominations shall not accept a petition unless a completed and signed consent form is filed at the same time.

(3) A statement of nomination shall apply only to the election cycle in which the statement of nomination is filed.

(e) The Secretary of State shall prescribe and furnish forms for a statement of nomination.

(f) In the event that an independent vice presidential candidate withdraws in accordance with section 2412 of this chapter, the presidential candidate may submit to the Secretary of State on or before the ballot printing deadline a new consent form signed by the presidential candidate and his or her new vice presidential candidate.

### **§ 2403. Number of candidates; party names**

(a)(1) A statement of nomination shall contain the name of only one candidate, except in the case of presidential and vice presidential candidates, who may be nominated by means of the same statement of nomination.

(2) A single statement of nomination shall contain only one office for which a person seeks to be a candidate.

(b)(1) The political or other name on a statement of nomination shall be substantially different from the name of any organized political party. It shall also be substantially different from the political or other name already appearing on any other statement of nomination for the same office then on file with the same officer for the same election;

(2) If the Secretary of State determines that it is not substantially different, the candidate named on the statement shall select a different political or other name; otherwise the Secretary shall print the word "Independent" on the ballot for that candidate.

(c)(1) Except in the case of presidential and vice presidential candidates, the word "independent" may not be used as part of a party name.

(2) If no party is indicated, the word "Independent" shall be printed on the ballot,

(3) A candidate appearing on the ballot as a candidate of a political party shall not also appear on the ballot as an "Independent."

#### **§ 2404. Preservation of statements**

The secretary of state shall preserve all statements until three months after the general election, after which they may be destroyed.

### **Subchapter IV: Miscellaneous Provisions**

#### **§ 2411. Applicability of other law**

Except as specifically provided in this chapter, all other provisions of this title shall govern the several procedures specified in this chapter for the making of nominations.

#### **§ 2412. Withdrawal of candidacy**

(a)(1) A candidate who has been validly nominated by one of the methods prescribed in this chapter shall have a right to withdraw his or her candidacy up until 5:00 p.m. on the tenth day following the primary by filing a written notice of withdrawal with the town clerk in the case of a candidate for justice of the peace, and with the Secretary of State in the case of all other offices.

(2) The name of a candidate who has withdrawn in accordance with the provisions of this subsection shall not be printed on the ballot.

(b) After the date described in subdivision (a)(1) of this section, if the candidate has filed a written notice of withdrawal, the town clerk or Secretary of State may still remove the candidate's name from the ballot up until the printing deadline.

#### **§ 2413. Nomination of justices of the peace**

(a)(1) The party members in each town, on or before each primary election, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace.

(2)(A) The committee shall give notice of the caucus by posting notice at the office of the town clerk and two other public places in the town at least five days prior to the caucus.

(B) In addition, for towns with over 3,000 voters, the committee shall post this notice at least one day prior to the caucus:

(i)(I) in a newspaper of general circulation within the town; or

(II) on a nonpartisan electronic news media website that specializes in news of the State or the community; and

(ii) on the municipality's website, if the municipality actively updates its website on a regular basis.

(3) [Repealed.]

(b) If it does not hold a caucus as provided in subsection (a) of this section, the town committee shall meet and nominate candidates for justices of the peace as provided in sections 2381 through 2385 of this title. At least three days prior to this meeting, the town committee shall provide notice of the meeting by e-mailing or mailing committee members and by posting notice of the meeting in the office of the town clerk and in two other public places in the town.

(c) In any town in which a political party has not formally organized, any three members of the party who are voters in the town may call a caucus to nominate candidates for justice of the peace by giving notice as required in subsection (a) of this section. Upon meeting, the caucus shall first elect a chair and a secretary. Thereafter the caucus shall nominate its candidates for justice of the peace.

(d) [Repealed.]

(e) For any nomination made under this section, the chair and secretary of the committee or caucus shall file the statement required by section 2385 of this title by 5:00 p.m. on the third day following the primary election.

#### **§ 2414. Candidates for state and legislative office; disclosure form**

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

(1) Each source, but not amount, of personal income of the candidate and of his or her spouse or domestic partner, and of the candidate together with his or her spouse or domestic partner, that totals more than \$5,000.00, including any of the sources meeting that total described as follows:

(A) employment, including the employer or business name and address, and, if self-employed, a description of the nature of the self-employment without needing to disclose any individual clients; and

(B) investments, described general as “investment income.”

(2) Any board, commission, or other entity that is regulated by law or that receives funding from the State on which the candidate served and the candidate’s position on that entity.

(3) Any company of which the candidate or his or her spouse or domestic partner, or the candidate together with his or her spouse or domestic partner, owned more than 10 percent.

(4) Any lease or contract with the State held or entered into by:

(A) the candidate or his or her spouse or domestic partner; or

(B) a company of which the candidate or his or her spouse or domestic partner, or the candidate together with his or her spouse or domestic partner, owned more than 10 percent.

(b) In addition, if a candidate's spouse or domestic partner is a lobbyist, the candidate shall disclose that fact and provide the name of his or her spouse or domestic partner, and, if applicable, the name of his or her lobbying firm.

(c) In addition, each candidate for State office shall attach to the disclosure form described in subsection (a) of this section a copy of his or her most recent U.S. Individual Income Tax Return Form 1040; provided, however, that the candidate may redact the following information:

(1) the candidate's Social Security Number and that of his or her 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 spouse, if applicable.

(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 3 business days of receiving it.

(2)(A) The Secretary of State shall post a copy of any disclosure forms and tax returns he or she receives under this section on his or her 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.

(B) Prior to posting, the Secretary shall redact from a tax return the information permitted to be redacted under subsection (c) of this section, if the candidate fails to do so.

(e) As used in this section:

(1) "Domestic partner" means an individual with whom the candidate has an enduring domestic relationship of a spousal nature, as long as the candidate and the domestic partner;

(A) have shared a residence for at least six consecutive months;

(B) are at least 18 years of age;

- (C) are not married to or considered a domestic partner of another individual;
- (D) are not related by blood closer than would bar marriage under State law; and
- (E) have agreed between themselves to be responsible for each other's welfare.

(2) "Lobbyist" and "lobbying firm" shall have the same meanings as in 2 V.S.A. § 261.

## **CHAPTER 51: CONDUCT OF ELECTIONS**

### **Subchapter I: Election Officials**

#### **§ 2451. Board of civil authority**

The board of civil authority shall have charge of the conduct of elections within the political subdivision for which it is elected. At any time before an election, the board of civil authority may issue guidance for elections officials that assists officials in conducting elections within the political subdivision. Guidance issued by the board shall not conflict with federal or state elections laws. A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place.

#### **§ 2452. Presiding officer**

(a) The town clerk shall be the presiding officer unless the town by vote at an annual meeting or by charter shall provide otherwise. If the regular presiding officer is unavailable or unable to preside at any given election, then the board of civil authority shall promptly appoint a voter of the town to serve as the presiding officer at that election.

(b) If more than one polling place is used, the board shall appoint a presiding officer for each additional polling place. These presiding officers for additional polling places shall be appointed for no more than two year terms, but may be reappointed and may have their appointments revoked.

#### **§ 2453. Duties of presiding officer**

The presiding officer shall be responsible for preparation of polling places and voting equipment, opening and closing the polls, scheduling the working hours of all election officials, counting votes and certifying the results of the count, securing all ballots, maintaining order at the polls, and in all things assuring that the election is conducted according to law. If it is necessary for the presiding officer to be absent from the polling place during any part of the election, he or she shall designate another to act in his or her stead until he or she returns. The presiding officer shall make every reasonable effort to assure that at least one election official from each major party is present at the polling place at all times.

#### **§ 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 municipality to serve as assistant election officers. 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 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.

#### **§ 2455. Election officials; duties; political party representation**

(a) The assistant election officers, together with the presiding officer and the board of civil authority, shall constitute the election officials.

(b) Except as may be specifically provided in this title, the presiding officer shall notify each election official of the hours when he or she shall be present to work at the polls and of the duties assigned to each election official.

(c) When the provisions of this title require two or more election officials of different political parties to perform an act, that political party representation requirement shall not be required if attempts to conform to it were not successful.

#### **§ 2456. Disqualifications**

Notwithstanding the preceding sections of this subchapter, no person shall serve as an election official in any election in which his or her name appears on a ballot of the Australian ballot system as a candidate for any office unless he or she is the only candidate for that office, or unless the office for which he or she is a candidate is that of moderator, justice of the peace, town clerk, treasurer, ward clerk, or inspector of elections. When an Australian ballot is not used, a person

shall not serve as an election official during the election to fill any office for which he or she is a nominee.

#### **§ 2457. Workshops and information for election officials**

(a) The Secretary of State or his or her designee shall organize regional workshops for election officials, provide them with informational materials about the conduct of elections and recounts, and otherwise help them run elections in conformance with State and Federal law.

(b)(1) The regular presiding officer of each town or an assistant designated by the board of civil authority shall attend, at the town's expense, at least one of these election workshops every two years.

(2) Each town clerk shall file with the Secretary of State by December 31 of each even-numbered year a letter certifying compliance with this subsection.

(c)(1) The town clerk of each town shall provide the Secretary of State with the names and addresses of all members of the board of civil authority and shall promptly notify the Secretary of State of any changes in the list.

(2) The Secretary of State shall invite all members of the boards of civil authority to the workshops and provide them with informational materials.

#### **§ 2458. Complaint procedure**

(a) The Secretary of State shall adopt rules to establish a uniform and nondiscriminatory complaint procedure to be used by any person who believes that a violation of this title or any other provision of 52 U.S.C. chapter 209, subchapter III (Uniform and Nondiscriminatory Election Technology and Administration Requirements) has occurred, is occurring, or is about to occur in the course of any election in which a candidate for federal office appears on the ballot.

(b) As used in this section, "complaint" means a statement in writing made by a voter stating, with particularity, the violation, notarized, and sworn or affirmed under penalty of perjury.

(c) The Secretary's rules shall provide for an informal proceeding to hear complaints for all complainants unless a formal hearing is requested. Formal complaints held pursuant to this section shall be in conformance with the rules adopted by the secretary.

(d) Any decision of the secretary may be appealed to the superior court in the county where the individual resides.

## Subchapter II: Ballots

### § 2471. General election ballot

(a)(1) A consolidated ballot shall be used at a general election, which shall list the several candidates for the offices to be voted upon. The offices of President and Vice President of the United States, U.S. Senator, U.S. Representative, Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, Attorney General, State Senator, Representative to the General Assembly, Judge of Probate, Assistant Judge, State's Attorney, Sheriff, and High Bailiff shall be listed in that order. Any statewide public question shall also be listed on the ballot, before the listing of all offices to be filled.

(2) The ballot shall be prepared at State expense under the direction of the Secretary of State. The color of the ballot shall be determined by the Secretary of State. The printing shall be black. Ballots shall be printed on index stock and configured to be readable by vote tabulators. The font shall be at least 10 points for candidate names unless a name exceeds 24 characters, in which case the candidate may change his or her consent form name to 24 characters or less, or the font may be reduced as needed to fit the candidate name space.

(b) Ballots for justices shall be prepared at town expense, under the direction of the town clerk, in the town in which they are to be used. The printing shall be black and shall conform as nearly as possible to the format of the general election ballot.

### § 2472. Contents

(a) The ballot shall be titled "OFFICIAL VERMONT GENERAL ELECTION BALLOT," followed by the date of the election. Immediately below, the following instructions shall be printed: "Instruction to Voters: To vote for a candidate whose name is printed on the ballot, fill in the oval at the right of that person's name and party designation. To vote for a candidate whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block and fill in the oval to the right of that blank line." When there are two or more candidates to be elected to one office, you may vote for any number of candidates up to and including the maximum number." The name of the town or towns and legislative district in which the ballot is to be used shall be listed in the upper left hand corner.

(b)(1) Each office to be voted upon shall be separately indicated and preceded by the word "For," as: "For United States Senator." Beneath the office to be voted upon shall appear the instructions: "Vote for not more than (the number of candidates to be elected)."

(2) The names of the candidates for each office shall be listed in alphabetical order by surname followed by the candidate's town of residence, and the party or parties by which the candidate has been nominated, or in the case of independent candidates who have not chosen some other name or identification, by the word "Independent." The word "party" shall not be printed on the ballot following a candidate's party name.

(3) To the right of the party designation shall be an oval in which the voter may indicate his or her choice by filling in the oval.

(4) A candidate's name shall not appear on the ballot more than once for any one office.

(c) Following the names of candidates for each office, there shall be as many blank write-in lines as there are persons to be elected to that office. To the right of each such line shall be the words "Write-In" and an oval identical to the ovals which follow the candidates' names. Lines provided for writing in names for President and Vice President shall be separately designated by the words "President" and "Vice President."

(d) [Repealed]

(e) When an article is to be voted on and the legislative body determines that the article is too long or unwieldy to show in full on the ballot, it shall be sufficient for the ballot to show the article by the number and title for that article as they were listed in the warning for the election. However, the complete article shall be posted in a conspicuous place within each voting booth.

#### **§ 2473. Provisions relative to presidential election**

(a) When the president and vice president are to be elected, the ballot shall contain the names of all candidates for these offices, arranged in alphabetical order according to the surname of the presidential candidate of each party. The names of the electors shall not be printed on the ballot. A vote for the presidential and vice presidential nominees of a party shall constitute a vote for the electors nominated by that party.

(b) The name and state of residence of the presidential and vice presidential candidate of each party shall be listed on separate lines joined together by a bracket, followed by the party designations and a single square for that pair of candidates. In lieu of the instructions: "Vote for not more than (the number of candidates to be elected)," the following instructions shall appear: "Mark ONE oval only."

(c)(1) If a candidate whose name is not printed on the ballot receives the greatest number of votes for President, the Secretary of State shall notify him of that fact, and within two weeks thereafter, the candidate shall file with the Secretary of State, a list of voters equal to the number of electors which the state is entitled to elect. The list shall be signed by the candidate personally.

(2) The persons so named shall be electors, having the duties prescribed in this title.

#### **§ 2474. Choice of party**

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

(2) If the nominee does not notify the Secretary of State or the town clerk of his or her choice of party, the Secretary of State shall print on the ballot those parties next to the nominee's name by listing in this order:

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

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

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

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

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

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

#### **§ 2475. Death or withdrawal of candidate**

When a candidate dies or withdraws and the vacancy is filled as provided in chapter 49 of this title, the name supplied for the vacancy shall be inserted instead of the original nomination. If the ballots have already been printed, the officer who furnished them shall prepare and furnish new ballots. The town clerk in each town shall, upon delivery of the new ballots, immediately destroy all original ballots except those already supplied to or used by early or absentee voters. Such early or absentee voter ballots shall be acceptable and counted with the other ballots.

§ 2476. [Repealed]

§ 2477. [Repealed]

**§ 2478. Number of paper ballots to be printed and furnished**

(a) For primary elections, the Secretary of State shall furnish each town with a sufficient number of printed ballots based on the history of voter turnout in the town and in consultation with the town clerk.

(b) For general elections, the Secretary of State shall furnish each town with a number of printed ballots approximately equal to 100 percent of the number of voters on the checklist for the primary election.

(c) If necessary due to unusual growth of the checklist, a town clerk may request additional ballots from the Secretary of State at least 40 days before the election.

(d) For local ballots, the town clerk shall cause such number of ballots to be printed and furnished as the board of civil authority shall designate.

(e) [Repealed.]

**§ 2479. Manner of distribution**

Not later than 45 days before the election, the secretary of state shall furnish the prepared ballots to the clerk of each town. Ballots shall be sent in securely fastened packages by mail or in some other safe manner, with marks on the outside clearly designating the polling place for which they are intended, and the number of ballots enclosed. The town clerk shall store the ballots, except for ballots used as early or absentee voter or sample ballots, in a secure place until the day of the election, at which time the town clerk shall deliver them in sufficient quantities to the presiding officer in each polling place, together with any ballots prepared by the town clerk.

**§ 2480. Substitute ballots**

If the ballots to be furnished to a polling place are not duly delivered or if, after delivery, they are destroyed or stolen or if the number proves insufficient, the presiding officer shall cause other ballots to be prepared substantially in the form of those so wanting. Upon delivery of such ballots at the polling place by him or her, accompanied by his or her statement under oath, which shall be recorded by the town clerk, that the same have been so prepared and furnished by him or her and that he or she failed to receive the original ballots or that the same have been destroyed or stolen

or that the number has proved insufficient, the ballot clerks shall cause such substituted ballots to be used in place of those wanting.

#### **§ 2481. Printed ballots required**

Except in the case of voice votes from the floor, divisions, or voting at a floor meeting by paper ballot at a local election, no voting shall occur in any local, primary, or general election which does not use printed ballots.

#### **§ 2482. [Repealed]**

### **Subchapter III: Vote Tabulators**

#### **§ 2491. Political subdivision; vote tabulators**

(a) Except as provided in subsection (b) of this section, a board of civil authority may, at a meeting held not less than 60 days prior to an election and warned pursuant to 24 V.S.A. § 801, vote to require the political subdivision for which it is elected to use vote tabulators for the registering and counting of votes in subsequent local, primary, or general elections, or any combination of those.

(b) A town with 1,000 or more registered voters as of December 31 in an even-numbered year shall use vote tabulators for the registering and counting of votes in subsequent general elections.

(c)(1) The Office of the Secretary of State shall pay the following costs associated with this section by using federal Help America Vote Act funds, as available:

(A) full purchase and warranty cost of vote tabulators, ballot boxes, and two memory cards for each tabulator;

(B) annual maintenance costs of vote tabulators for each town; and

(C) the first \$500.00 of the first pair of a vote tabulator's memory cards' configuration costs for each primary and general election.

(2) A town shall pay the remainder of any cost not covered by subdivision (1) of this subsection.

(d)(1) Notwithstanding a town's use of vote tabulators under this section or any other provision of law, the Secretary of State may suspend the use of vote tabulators and require the hand count of votes in an election if the Secretary determines there are reasonable grounds to believe that the vote tabulators to be used in that election may have been rendered inoperable

(2) Upon such a determination, the Secretary shall alert the clerks of the affected municipalities of his or her decision as soon as practicable.

#### **§ 2492. [Repealed]**

#### **§ 2493. Rules for use of vote tabulators; audits**

(a) The Secretary of State shall adopt rules governing the use and the selection of any vote tabulator in the State. These rules shall include requirements that:

(1) All municipalities that have voted to use a vote tabulator shall use a uniform vote tabulator approved by the Secretary of State.

(2) The Secretary of State shall provide for the security of vote tabulators at all times. Vote tabulators, not including the ballot box portion, shall be locked in a vault or a secure location at all times when not in use.

(3)(A) The Secretary of State shall conduct a random postelection audit of any polling place election results for a general election within 30 days of the election.

(B) If the Secretary determines that a random audit shall be conducted of the election results in a town or city, the town clerk shall direct two members of the board of civil authority to transport the ballot bags to the office of the Secretary not later than 10:00 a.m. on the morning when the Secretary has scheduled the audit.

(C) The Secretary shall open the ballot bags and conduct the audit in the same manner as ballots are counted under sections 2581 through 2588 of this chapter. The Secretary shall publicly announce the results of the audit as well as the results from the original return of the vote.

(D) If the Secretary finds that the audit indicates that there was possible fraud in the count or return of votes, he or she shall refer the results to the Attorney General for possible prosecution.

(4)(A) All vote tabulators shall be set to reject a ballot that contains an overvote and the voter shall be provided the opportunity to obtain another ballot and correct the overvote. If an early voter absentee ballot contains an overvote, the elections official shall override the vote tabulator and count all races except any race that contains an overvote.

(B) All vote tabulators shall be set not to reject undervotes.

(5) Establish a process for municipalities using vote tabulators, whereby markings on ballots that are unreadable by a vote tabulator may be transferred by a pair of election officials, who are not members of the same political party, to ballots that are readable by the vote tabulator.

(6) Establish a process for using vote tabulators in recounts.

(b) Each vote tabulator shall be tested using official ballots that are marked clearly as "test ballots" at least 10 days prior to an election. This test shall be open to the public.

(c) The same vote tabulator or vote tabulator memory card used in any local, primary, or general election shall not be used in a recount of that election.

(d) A vote tabulator shall be a stand-alone device that shall not be connected to any other device or connections such as wireless connections, cable connections, cellular telephones, or telephone lines.

(e) A municipality only may use a vote tabulator as provided in this title which registers and counts votes cast on paper ballots and which otherwise meets the requirements of this title. A municipality shall not use any type of voting machine on which a voter casts his or her vote.

#### **§ 2494. Construction with other laws**

(a) Except as this subchapter affects the method of registering votes and ascertaining the result, the laws of this State pertaining to elections shall be applicable. The laws pertaining to early or absentee voters shall in no way be affected by this subchapter, and votes cast by early or absentee voters shall be counted with votes counted on vote tabulators.

(b) In towns using vote tabulators, the board of civil authority may vote to open polling places at 5:00 a.m., provided that at least three elections officials are present, two of whom are from different parties. If all early voter absentee ballots have not been deposited into the vote tabulators before the closing of the polls at 7:00 p.m., the elections officials shall continue to deposit ballots using the same procedure as provided in subsection 2561(b) of this title, treating each ballot as a voter waiting to cast his or her ballot at the close of the polls.

#### **§ 2495. [Repealed]**

#### **§ 2496. [Repealed]**

#### **§§ 2497, 2498. [Repealed]**

#### **§ 2499. Transfer of paper ballots from vote tabulators**

The presiding officer, with the assistance of at least two election officials, may transfer voted ballots from the box attached to the vote tabulator to another secure ballot box or secured ballot bag whenever necessary during election day in order to allow the vote tabulator to continue to function properly.

## Subchapter IV: Polling Places

### § 2501. Determining districts

(a) The board of civil authority shall designate one or more polling places within a town; however, the voters at a regular or special meeting warned for that purpose may designate different polling places. If the questions and candidates to be voted upon are not identical for all voters in the town, so that different ballots will be used depending on where a voter lives, the board of civil authority shall suitably divide the master checklist for the whole town into separate checklists according to geographical boundaries, at least 40 days before the election. The master checklist shall be divided in a way that ensures that all voters on a particular checklist will be voting on the same questions and candidates and will be given identical ballots. Each of the separate checklists shall be organized alphabetically, and for each checklist the board of civil authority shall designate the location of a separate polling place. Except as provided in subsection (e) of this section or section 2147 of this title, each voter shall vote at the polling place designated for the separate checklist on which his or her name appears.

(b) The board of civil authority may also divide the master checklist into separate checklists for the convenient conduct of the election even if the questions and candidates to be voted upon are identical for all voters in the town. In such case, the board shall follow the procedures of this section.

(c) In preparing the separate checklists, the board of civil authority shall be responsible for accurately determining the geographical location of the last known place of residence of each voter in order to place the voter on the proper separate checklist. If at any time except on election day the board determines that a voter should be on a different checklist from the one on which his or her name appears, the board shall remove the voter's name from the wrong checklist and place it on the proper checklist in accordance with section 2147 of this title.

(d) The board shall post prominent notices in and around the polling places urging voters to check whether they have been placed on the proper geographical checklist. The notice shall also explain the procedures by which a voter who is on the wrong checklist for his geographical area can be added to the proper checklist and vote at the proper polling place.

(e) If more than one polling place is located within the same building, each shall be located so that it is separate and distinct from the others, and each shall be run separately from the others with regard to the process of voting. Each polling place shall have its own entrance and exit tables, guardrails, voting booths and ballot boxes, and it shall have its own election officials handling the entrance and exit checklists, furnishing ballots, supervising the deposit of ballots, otherwise conducting the voting part of the elections and tallying the checklists after the polls have closed. However, in the case of a town that uses vote tabulators designed to tabulate ballots from multiple districts by means of a single tabulator, nothing in this section shall prohibit such a town from using a single voting area and a single vote tabulator for two or more districts, as long as voters are checked in through separate entrance checklists and checked out through separate exit checklists if exit checklists are employed.

## § 2502. Location of polling places; Outdoor Polling Places

- (a) Each polling place shall be located in a public place within the town.
- (b) Outdoor polling places. A polling place may be located outdoors if it can be operated in a manner consistent with the provisions of this chapter.
- (1) The board of civil authority shall designate the outdoor area that comprises the “polling place” for purposes of restrictions and requirements for polling places imposed pursuant to this chapter, including the restrictions on campaigning and other activities within the building containing the polling place described in subdivisions 2508(a)(1)(A) and (B) of this subchapter.
  - (2) An indoor polling place alternative shall be available at or near the same physical location as the outdoor polling place in case of inclement weather. If conditions require use of the indoor alternative, the Secretary of State’s office shall be notified immediately of the change.
  - (3) Candidates and members of the public who would otherwise be allowed to campaign outside an indoor polling place shall be kept a reasonable distance from the outdoor polling place such that any campaigning does not disrupt or interfere in any way with the voting process.
- (c) Drive-up voting. Voting may be conducted by a drive-through or drive-up voting method at a polling place if the voting process can be operated in a manner consistent with the provisions of this chapter.
- (1) Drive-up voting procedures shall enable voters to complete the voting process without leaving their vehicle, allowing the voters to deposit their ballots directly into a tabulator or secure ballot box that may be brought to the window of the vehicle or located in such a manner that it can be accessed from the vehicle or providing voters an envelope or folder in which to place their voted ballots before handing it to an election official for processing.
  - (2) Polling places conducting drive-up voting shall also accommodate walk-in voters and those using other forms of transport. the tabulator. Any such transfer shall be done in the presence of two election officials, if possible officials of different parties.
- (d) Ballot transfer. If a polling place is outside or if voting is conducted by a drive-up method, ballots may be periodically transferred from a secure outdoor or drive-up ballot box to another secure container for counting after the close of the polls or to election officials who are processing ballots through

(e) Access. The accessible voting system shall be available for those who request it. Additionally, the board of civil authority shall take such measures as are necessary to ensure that voters who are elders or have a disability may conveniently and secretly cast their votes. Measures which may be taken shall include: location of polling places on the ground floor of a building; providing ramps, elevators, or other facilities for access to the polling place; providing a stencil overlay for ballots; providing a separate polling place with direct communication to the main polling place; and permitting election officials to carry a ballot to an elder or to a person who has a disability in order to permit that person to mark the ballot while in a motor vehicle adjacent to the polling place. For purposes of this subsection, the board of civil authority shall have full jurisdiction on the day of an election over the premises at which a polling place is located.

(f) Polling place designation.

(1) Thirty days prior to a local, primary, or general election, the town clerk shall submit to the Secretary of State a list of polling places within the municipality that will be used in that election. The list shall include the name of the polling location, its physical address, and the time the polling place will open.

(2)(A) A municipality may change the location of a polling place less than 30 days prior to an election only in cases of emergency. If a municipality changes the location of a polling place less than 30 days prior to the election, the town clerk shall notify the Secretary of State within 24 hours of the change and provide the new polling place information.

(B) The Secretary of State shall assist any municipality that needs to change the location of a polling place on the day of an election due to an emergency, including assisting in finding a new location and informing the public of that new location.

(C) The Secretary of State shall inform the State chairs of Vermont's major political parties of any changes made to polling places that he or she is aware of made less than 30 days prior to an election.

(3) The Secretary of State shall provide on his or her official website a list of polling places that will be used in any local, primary, or general election within the State, and shall specifically provide notice on that website of any change in the location of a municipality's polling place.

### **§ 2503. [Repealed]**

### **§ 2504. Voting booths**

At each polling place, there shall be a sufficient number, as determined by the board of civil authority, of voting booths. Each booth shall be of sturdy construction and shall allow a voter to mark his or her ballot conveniently without having his or her choices observed by any other person.

### **§ 2505. Guardrail**

A guardrail shall be so constructed that only persons inside the rail can approach within six feet of the ballot boxes and voting booths. Neither the ballot boxes nor the voting booths shall be hidden from those outside the guardrail.

### **§ 2506. Ballot boxes; signs for depositing ballots**

All ballot boxes shall be rigid wood or metal containers. Ballot boxes shall be furnished at the expense of the town where they are to be used. When not in use, ballot boxes shall be in the custody of the town clerk. During voting hours there shall be signs, provided by the secretary of state, placed on or near ballot boxes telling voters to deposit their own ballots in the ballot boxes. This requirement shall not apply to the ballot boxes used during primary elections for the collection of unvoted ballots, in which instance unvoted ballots are inserted by election officials.

### **§ 2507. Distribution of checklists**

The town clerk shall furnish the presiding officer of each polling place with two certified copies of the checklist applicable to that polling place. One copy shall be used to check voters before they enter within the guardrail, and, unless the board of civil authority votes not to use an exit checklist, the other copy shall be used to check voters as they leave.

### **§ 2508. Campaigning during polling hours; voter access**

(a)(1) The presiding officer shall ensure during polling hours on the day of the election that:

(A) within the building containing a polling place, no campaign literature, stickers, buttons, name stamps, information on write-in candidates, or other political materials that display the name of a candidate on the ballot or an organized political party or that demonstrate support or opposition to a question on the ballot are displayed, placed, handed out, or allowed to remain;

(B) within the building containing a polling place, no candidate, election official, or other person distributes election materials, solicits voters regarding an item or candidate on the ballot, or otherwise campaigns; and

(C) on the walks and driveways leading to a building in which a polling place is located, no candidate or other person physically interferes with the progress of a voter to and from the polling place.

(2) The provisions of subdivision (1) of this subsection shall apply to the town clerk's office during any period of early or absentee voting.

(b) During polling hours, the presiding officer shall control the placement of signs on the property of the polling place in a fair manner.

(c) The provisions of this section shall be posted in the notice required by section 2521 of this chapter.

## **§ 2509. [Repealed]**

## **Subchapter V: Warnings, Notices, Sample Ballots and Other Voter Information**

### **§ 2521. Warnings and notices**

(a) Not less than 30 days before the election, the town clerk shall cause a warning and notice to be posted informing the voters of the town about the election.

(1) The warning shall include the date and time of the election, location of the polling place or places, nature of the election, and offices or questions to be voted upon.

(2) The notice shall contain information on voter registration and early or absentee voting, on how to obtain ballots, mark them, get help marking them, and obtain new ballots if an error is made; information about offenses relating to elections; instructions on how to get help if there is a problem on election day; instructions for registrants by mail; instructions for first-time voters; instructions on who may cast a provisional ballot; instructions on how to cast a provisional ballot; information on federal and State laws prohibiting fraud and misrepresentation; instructions on how to contact the appropriate official if a person believes any of his or her rights to vote have been violated; and other appropriate information.

(3) The warning and notice shall be posted in at least two public places within each town and in or near the town clerk's office. If a town has more than one polling place, the warning and notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(4) The checklist shall also be posted as required in section 2141 of this title.

(b) The secretary of state shall prepare forms for the warning and notice and shall furnish each town clerk with at least five copies of the forms for each polling place in the town at least five days before they must be posted. Information required in the warnings and notices which varies from town to town shall be left blank by the secretary of state and filled in by the town clerk.

### **§ 2522. Sample ballots**

(a) As soon as ballots are received by the town clerk, but not later than 20 days prior to any primary or general election or 10 days prior to any municipal election, the town clerk shall post sample ballots in at least two public places within the town and in or near the town clerk's office. If a town has more than one polling place and the polling places are not all in the same building, the sample ballot shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(b) The town clerk shall prepare the sample ballots by marking the words SAMPLE BALLOT prominently at the top of official election ballots.

(c) [Repealed.]

(d) Upon the request of any high school or other educational institution in the town, the town clerk shall deliver a sample ballot to the high school or educational institution.

### **§ 2523. Posting at polling place on election day**

(a) Before the polls open on election day, the presiding officer shall post copies of the warning and notice and the sample ballots conspicuously in and about the polling place so that voters can reasonably be expected to see them before voting.

(b) The presiding officer shall ensure that signs are placed on or near the ballot boxes informing voters of procedures for depositing ballots. The secretary of state shall supply the signs.

## **Subchapter VI: Early Or Absentee Voters**

### **§ 2531. Application for early voter absentee ballot**

(a) Deadline to file.

(1)(A) A voter who expects to be an early or absentee voter, or an authorized person on behalf of such voter, may apply for an early voter absentee ballot until 5:00 p.m. or the closing of the town clerk's office on the day preceding the election.

(B) If a town clerk does not have regular office hours on the day before the election and his or her office will not otherwise be open on that day, an application may be filed until the closing of the clerk's office on the last day that office has hours preceding the election.

(2)(A) In cases of emergency, including unanticipated illness or injury, at his or her discretion the town clerk may accept a request for an absentee ballot after the deadline set forth in subdivision (1) of this subsection.

(B) In such cases of emergency, the ballot may be mailed, electronically delivered, or delivered by two justices of the peace as set forth in subsection 2539(b) of this subchapter.

(b) Place of filing.

(1) All applications shall be filed with the town clerk of the town in which the early or absentee voter is registered to vote.

(2) The town clerk shall file written applications and memoranda of verbal applications in his or her office and shall retain the applications and memoranda for 90 days following the election, at which time they may be destroyed.

(c) Australian Ballot. Voting by early voter absentee ballot shall be allowed only in elections using the Australian ballot system.

**§ 2532. Authorized Applicants; Application Form; Duplicates**

(a) Authorized applicants.

(1) An early or absentee voter, or an authorized family member or health care provider acting in the voter's behalf, may apply for an early voter absentee ballot by telephone, in person, or in writing. As used in this subsection, "family member" means a person's spouse, children, brothers, sisters, parents, spouse's parents, grandparents, and spouse's grandparents.

(2) Any other authorized person may apply in writing or in person; provided, however, that voter authorization to such a person shall not be given by response to a robotic phone call.

(b) Form of application.

(1) The application shall be in substantially the following form:

**REQUEST FOR EARLY VOTER ABSENTEE BALLOT**

Name of early or absentee voter: \_\_\_\_\_

Voter's Town of Residence: \_\_\_\_\_

Current physical address (address where you reside): \_\_\_\_\_

Telephone Number: \_\_\_\_\_ E-mail Address: \_\_\_\_\_

Date: \_\_\_\_\_

I request early voter absentee ballot(s) for the election(s) checked below:



(2) An official federal postcard application shall suffice as a simultaneous application to register to vote and for an early voter absentee ballot.

(3)(A) All voter registration applications that are returned to the town clerk before the close of the polls on election day shall be considered and acted upon by the board of civil authority before the ballots are counted.

(B) If the voter registration application is approved and the voter's name added to the checklist, the early voter absentee ballots cast by that voter shall be treated as other valid early voter absentee ballots.

(d) Application time frame

(1) An application for an early voter absentee ballot shall be valid for the elections or the time frame specified by the applicant.

(2) A single application shall only be valid for any elections within the same calendar year.

(e) Duplicate early voter absentee ballots.

(1)(A) The town clerk may, upon application, issue a duplicate early voter absentee ballot if the original ballot is lost or not received by the voter within a reasonable period of time after it is mailed to the voter by the town clerk or by the Secretary of State's office pursuant to section 2537a of this subchapter.

(B) The application may be made by a person entitled to apply for an early voter absentee ballot under subsection (a) of this section and shall be accompanied by a sworn statement affirming that the voter has not received the original ballot.

(2) If a duplicate early voter absentee ballot is issued and both the duplicate and original early voter absentee ballots are received before the close of the polls on election day, the ballot that is received first by the town clerk shall be counted and the Elections Division of the Secretary of State's office shall be notified.

(f) Unauthorized applicants

(1) Any person who applies for an early voter absentee ballot knowing the person is without authorization from the early or absentee voter shall be fined not more than \$100.00 per violation for the first three violations; not more than \$500.00 per violation for the fourth through ninth violations; and not more than \$1,000.00 per violation for the tenth and subsequent violations.

(2) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this provision, shall conduct a civil investigation in accordance with the procedures set forth in section 2904 of this title.

### **§ 2532a. Mobile polling stations**

Notwithstanding any other provision of this chapter to the contrary, the secretary of state may authorize a town clerk to establish a mobile polling station at which two or more election officials who are not all members of the same political party shall make absentee ballots available. The town clerk shall notify the public of the mobile polling station three days prior to operation by posting at the town clerk's office and at the mobile polling station site the date and hours that the mobile polling station will operate. The secretary of state shall establish procedures that ensure that:

(1) prior to distributing a ballot, the election officials shall verify that the voter's name is on the town checklist or will register the individual to vote if he or she is not registered and is qualified to vote in the town. The election officials shall make a list of the names of each voter who has voted at the mobile polling site;

(2) each voter shall place his or her ballot in an early absentee ballot envelope, seal and sign the certificate, and return the ballot envelope to the election officials;

(3) upon the closure of the mobile polling place, the election officials shall immediately return the ballot envelopes, list of names, and any unvoted ballots to the town clerk who shall add each voter's name to the list of early or absentee voters and commingle the envelopes with other returned early absentee ballot envelopes in the vault. Ballots that are returned along with a new voter registration form shall be kept in a secure place in the vault until the registration process has been completed and then processed as in this subdivision.

### **§ 2533. Notification of invalid application**

If the town clerk finds an application for an early or absentee voter ballot which has been submitted to him or her to be invalid or incomplete, he or she shall immediately notify the person making the application, either personally or by mail, stating the ground on which the same is found to be invalid. The application may be corrected but shall not be valid unless it is returned corrected to the clerk within the time allowed for submitting an original application.

### **§ 2534. List of early or absentee voters**

(a) The Secretary of State shall make accessible for each primary election, presidential primary election, and general election a statewide list of voters who have requested an early voter absentee ballot. The list shall contain the State voter identification number, name, registration address, address the ballot was mailed to, and legislative district of each voter.

(b) Upon receipt of the valid applications, the town clerk shall update the Secretary of State's statewide list of early or absentee voters by a method approved by the Secretary of State.

### **§ 2535. Form of early voter absentee ballots and envelopes; federal or military requirements**

- (a) Early voter absentee ballots shall be the same as the official ballots to be used at the election.
- (b) If necessary, special ballots may be prepared to conform with minimum federal or military regulations and orders covering the transportation of such ballots, provided that the text is identical in substance, except as to type size, with that appearing on the official ballots.
- (c) Envelopes, including return envelopes, containing early voter absentee ballots may, as circumstances require, be particularly imprinted, stamped, or superscribed with approved identification words or symbols designating the same as "Vermont Official Early or Absentee Voter Ballot" and with such additional words or devices as are necessary to comply with any censorship regulations or rules which may be in effect at the time of mailing.

### **§ 2536. Furnishing early voter absentee ballot envelopes**

Upon request, for any statewide primary, presidential primary, or general election, the secretary of state shall furnish the envelopes prescribed in sections 2535 and 2542 of this title to town clerks in such numbers as they request. The cost of absentee ballot envelopes for local elections shall be borne by the municipality

### **§ 2537. Early or absentee voting in the town clerk's office**

(a)(1) A voter may, if he or she chooses, apply in person to the town clerk for the early voter absentee ballots and envelopes

(2) In this case, the clerk shall furnish the early voter absentee ballots and envelopes when a valid application has been made, or at such time as the clerk receives the ballots, whichever comes first.

(3) The voter may:

(A) mark his or her ballots, place them in the envelope, sign the certificate, and return the ballots in the envelope containing the certificate to the town clerk or an assistant town clerk without leaving the office of the town clerk;

(B) take the ballots and return them to the town clerk in the same manner as if the ballots had been received by mail; or

(C) if the board of civil authority has voted to allow it pursuant to section 2546b of this subchapter, mark the ballots and deposit them directly into the vote tabulator or ballot box in accordance with section 2546b of this subchapter.

(b) Except for justices of the peace as provided in section 2538 of this subchapter, a person shall not take any ballot from the town clerk on behalf of any other person.

#### **§ 2537a. Mailing of General Election Ballots**

(a) For every general election, the Secretary of State's office shall mail a general election ballot to all active voters on the statewide voter checklist described in section 2154 of this title.

(1) The mailing of the ballots shall commence not later than 43 days before the election and shall be completed not later than October 1.

(2) A postage-paid return envelope, pre-addressed to the town or city clerk of the town or city where the voter is registered to vote, shall be included with the ballot sent to every voter in which the ballot may be mailed back to the clerk. All postage cost shall be paid by the Secretary of State's office.

(3) The address file to be used for the mailing shall be generated from the statewide voter checklist as close as practicable to the date of the mailing and in no case earlier than September 1.

(4) The Secretary of State's office shall include in the mailing to each voter instructions for return of the voted ballot.

(b) General election ballots mailed by the Secretary of State's office under this section shall be returned by the voter to the town or city clerk in the town or city where that voter is registered in accordance with the procedures for return of ballots described in this subchapter.

#### **§ 2538. Delivery of ballots by justices of the peace**

(a)(1) In the case of persons who are early or absentee voters due to illness, injury or disability, ballots shall be delivered in the following manner unless the early or absentee voter has requested pursuant to section 2539 of this subchapter that the early voter absentee ballots be mailed or electronically delivered.

(2) Not later than three days prior to the election, the board of civil authority or, upon request of the board, the town clerk, shall designate in pairs justices of the peace in numbers sufficient to deliver early voter absentee ballots to the applicants for early voter absentee ballots who have stated in their applications that they are unable to vote in person at the polling place due to illness, injury, or disability. A pair shall not consist of two justices from the same political party.

(3) If there shall not be available a sufficient number of justices to make up the required number of pairs, a member of each remaining pair shall be designated by the board, to be selected from lists of registered voters submitted by the chairs of the town committees of political parties, and from among registered voters who in written application to the board state that they are not affiliated with any political party.

(4) A candidate or spouse, parent, or child of a candidate shall not be eligible to perform the duties prescribed by this section unless the candidate involved is not disqualified by section 2456 of this chapter from serving as an election official.

(5) The compensation of justices and voters designated under this subsection shall be fixed by the board of civil authority and shall be paid by the town.

(6) The justices may, but shall not be required to, deliver ballots outside the town.

(b)(1) The town clerk shall divide the list of applicants who have an illness, injury or disability into approximately as many equal parts as there are pairs of justices so designated, having regard to the several parts of the town in which the applicants may be found.

(2) As soon as early voter absentee ballots are available, the clerk shall deliver to each pair of justices one part of the list, together with early voter absentee ballots and envelopes for each applicant.

(3) When justices receive ballots and envelopes prior to election day, they shall receive only the ballots and envelopes they are assigned to deliver on that day.

(c)(1) Each pair of justices on the days they are assigned to deliver the ballots and envelopes, shall call upon each of the early or absentee voters whose name appears on the part of the list furnished to them and shall deliver early voter absentee ballots and envelopes to each early or absentee voter.

(2) The early or absentee voter shall then proceed to mark the ballots alone or in the presence of the justices, but without exhibiting them to the justices or to any other person, except that when the early or absentee voter is blind or physically unable to mark his or her ballots, they may be marked by one of the justices in full view of the other.

### **§ 2539. Delivery of early voter absentee ballots**

(a) Default; town office or mail

(1) Except as provided in subsections (b) and (c) of this section, unless the early or absentee voter votes in the town clerk's office as set forth in section 2537 of this title, the town clerk shall provide to the early or absentee voter who comes to the town clerk's office a complete set of early voter absentee ballots or mail a complete set of early voter absentee ballots to each early or absentee voter for whom a valid application has been filed.

(2) Except as provided in subdivision (3) of this subsection, the early voter absentee ballots shall be mailed forthwith upon the filing of a valid application, or upon the town clerk's receipt of the necessary ballots, whichever is later.

(3)(A) For any general election, if a voter transfers his or her registration from another town or city in the state following the mailing of ballots to all active voters by the Secretary of State's office pursuant to section 2537a of this subchapter, before issuing an absentee ballot the clerk shall confirm the status of the ballot that was previously mailed to that voter by the Secretary of State and proceed as follows:

(i) If the voter has voted and returned the ballot issued to the voter by the Secretary of State to the town in which the voter was previously registered, the voter shall not be issued a ballot nor be allowed to cast another ballot in the same general election and shall be registered following the election.

(ii) If the voter did not receive or did not return the ballot that was previously sent to the voter by the Secretary of State, the voter may be issued another ballot for the general election if:

(aa) the voter returned the unvoted ballot that was previously issued to the voter; or

(bb) the voter signs an affidavit stating that the voter has not previously cast a ballot in that general election

(B) If a voter registers to vote for the first time in Vermont following the time when the Secretary of State's office generated the address file to be used for the mailing of ballots to all active voters by the Secretary of State's office, the clerk shall either issue a ballot to the voter in person at the time of registration or mail a ballot to the voter within three business days, provided the voter's registration does not occur within five days of the election. If the clerk does not have ballots available at the time of registration, the clerk shall mail a ballot to the voter within three business days after obtaining ballots.

(b) Voters who are ill, injured, or have a disability. In the case of persons who are early or absentee voters due to illness, injury, or disability, if the voter or authorized person requests in his or her application or otherwise that early voter absentee ballots be mailed or electronically delivered, the town clerk shall mail or electronically deliver the ballots; otherwise the ballots shall be delivered to the voter by justices of the peace as set forth in section 2538 of this subchapter.

(c) Military or overseas voters

(1) Early voter absentee ballots for military or overseas voters shall be sent air mail, first class, postpaid when such service is available, or they may be electronically delivered when requested by the voter.

(2)(A) The town clerk's office shall be open on the 46th day before any election that includes a federal office and the town clerk shall send on or before that day all absentee ballots to any military or overseas voter who requested an early voter absentee ballot on or before that day.

(B) On that day the town clerk shall complete any reporting requirements and any other responsibilities regarding the mailing of early voter absentee ballots to military or overseas voters, as directed by the Secretary of State.

**§ 2540. Instructions to be sent with ballots**

(a) The town clerk shall send with all early voter absentee ballots and envelopes printed instructions, which may be included on the envelope, in a form prescribed by the Secretary of State's Office.

**§ 2541. Marking of ballots**

(a) An early or absentee voter to whom ballots, envelopes, and instructions are mailed shall mark the ballots in accordance with the instructions.

(b) A person who gives assistance to a voter in the marking or registering of ballots shall not in any way divulge any information regarding the choice of the voter or the manner in which the voter's ballot was cast.

(c) If an early or absentee voter makes an error in marking a ballot, the voter may return that ballot by mail or in person to the town clerk and receive another ballot, consistent with the provisions of section 2568 of this chapter.

**§ 2542. Signing certificate**

(a) There shall be printed on the face of the envelope provided for use in returning early voter absentee ballots 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).

\_\_\_\_\_  
(your signature)

(b) The early or absentee voter must sign the certificate on the outside of the envelope in order for the ballot to be valid. When an early or absentee voter is physically unable to sign his or her name, he or she may mark an "X" or take an oath swearing or affirming to the statement on the certificate. The officers who deliver the ballots shall witness the mark or oath and sign their names with a statement attesting to this fact on the envelope.

### § 2543. Return of ballots

(a) After marking the ballots and signing the certificate on the envelope, the early or absentee voter to whom the same are addressed shall return the ballots to the clerk of the town in which the voter is registered, in the manner prescribed, except that in the case of a voter to whom ballots are delivered by justices, the ballots shall be returned to the justices calling upon that voter, and they shall deliver them to the town clerk.

(b) Once an early voter absentee ballot has been returned to the clerk in the envelope with the signed certificate, it shall be stored in a secure place and shall not be returned to the voter for any reason unless the ballot is deemed defective under subdivision 2546(a)(2) of this subchapter and the voter chooses to cure the defect and cast the ballot pursuant to subsection 2547(d) of this subchapter.

(c) If a ballot includes more than one page, the early or absentee voter need only return the page upon which the voter has marked his or her vote.

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

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

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

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

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

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

(e) A candidate whose name appears on the ballot for that election, or a paid campaign staff member of any such candidate, may not return a ballot to the town clerk or to a secure ballot drop box, unless that candidate or paid campaign staff member:

(1) is returning the candidate's or paid campaign staff member's own ballot;

(2) is returning the ballot of an immediate family member, as defined in section 2532 of this title, including a person's spouse, children, brothers, sisters, parents, spouse's parents,

grandparents, and spouse's grandparents, who has requested the candidate's or paid campaign staff member's assistance with the return of that ballot;

(3) is returning the ballot of a voter for whom the candidate or paid campaign staff member is a caretaker, and who has requested the candidate or paid campaign staff member's assistance with the return of that ballot; or

(4) is a justice of the peace performing his or her official duties pursuant to section 2538 of this title.

(f) No individual may return more than 25 ballots to the town clerk or to a secure ballot drop box unless the individual is a justice of the peace performing his or her official duties pursuant to section 2538 of this title.

(g) The clerk or other local election official accepting the return of ballots shall not be required to enforce the provisions of subsections (e) and (f) of this section but shall report any suspected violations to the Secretary of State's office, who shall refer them to the Attorney General's office for investigation. Individuals violating this section may be subject to penalties pursuant to section 2017 of this title

#### **§ 2543a. Provision of Secure Ballot Drop Boxes**

(a) A board of civil authority may vote to install one or more secure outdoor ballot drop boxes (drop boxes) for the return of voted ballots.

(b) Drop boxes shall be located on municipal property. If a town has only one drop box, it shall be located on the property of the municipal clerk's office.

(c) Drop boxes shall allow for the return of ballots by voters at any time of day and must be available for the return of ballots not later than 43 days before the election.

(d) Drop boxes shall be installed and maintained in accordance with guidance issued by the Secretary of State's office. At a minimum, drop boxes shall:

(1) be affixed to a foundation or other immovable object such that they cannot be removed without being tampered with;

(2) be under 24-hour video surveillance or in the alternative be within sight of the municipal building;

(3) be constructed in such a manner that it is impossible to remove the ballots without the ballot box being tampered with; and

(4) be able to be closed such that ballots may not be deposited once the deadline for deposit has passed.

(e)(1) Ballots may be deposited in the drop boxes until the close of business on the day before the election. At the close of business, the drop box shall be closed and instructions affixed to the drop box instructing the voter to return the voter's voted ballot to the polling place on the day of the election.

(2) Notwithstanding subdivision (1) of this subsection, a board of civil authority may vote to allow ballots to be deposited in the drop boxes until not later than the closing of the polls on election day.

(f) The Secretary of State's office shall provide drop boxes to a town or city upon request following a vote of the board of civil authority. The maximum number of drop boxes that the Secretary of State's office shall provide in any town or city shall be as follows:

- (1) up to 5,000 registered voters, one;
- (2) between 5,000 and 10,000 registered voters, two;
- (3) between 10,000 and 15,000 registered voters, three;
- (4) between 15,000 and 20,000 registered voters, four; and
- (5) over 20,000 registered voters, five.

(6) A town or city may have a number of secure drop boxes equal to the number of representative districts in that town or city, with one drop box located in each district, if that number is greater than the number allowed based on that town or city's number of registered voters in subdivisions (1)–(5) of this subsection. If there is not suitable municipal property for the location of a secure drop box in the area covered by a certain district in the town or city, an alternative location may be used with the approval of the Secretary of State's office

#### **§ 2544. [Repealed]**

#### **§ 2545. [Repealed]**

#### **§ 2546. Receipt of Ballots by Clerk; Voter Status; Opportunity to Cure; Processing Absentee Ballots**

(a) Beginning 30 days before the opening of the polls on election day, upon receipt of a mailing envelope containing ballots returned by a voter, the town clerk shall, within three business days or on the next day the office is open for business, whichever is later, direct two election officials working together to do all of the following:

(1) open the mailing envelope and sort early voter absentee ballots by ward and district, if necessary; and

(2) determine that the certificate has been signed, the voted ballot was placed in the certificate envelope, and the ballot is not defective for any other reason pursuant to section 2547 of this subchapter.

(A) If the ballot is not deemed defective, the clerk shall check the name of the early voter off the entrance checklist and record the ballot as received and accepted in the online election management system, and:

(i) place the certificate envelopes into a secure container marked “checked in early voter absentee ballots” to be transported to the polling places on election day; or

(ii) open the certificate envelope and place the voted ballot in the ballot box or tabulator in accordance with the procedures contained in section 2546a of this subchapter.

(B) If the ballot is deemed defective, the clerk shall:

(i) Check the name of the early voter off the entrance checklist and record the ballot as received and defective in the online election management system.

(ii) Place the ballot in the defective ballot envelope in accordance with the procedures of subdivisions 2547(b)(1)–(3) of this subchapter.

(iii) Not later than the next business day transmit a notice, with information required by the Secretary of State’s office, to the voter informing the voter that the voter’s ballot was deemed defective and rejected, the reason it was deemed defective, and the voter’s opportunity to correct the error pursuant to subsection 2547(d) of this subchapter. If the ballot was deemed defective because the voter failed to sign the return certificate, to place the voted ballot in the certificate envelope, or did not return their unvoted primary ballots in the unvoted ballot envelope, the clerk shall include a returnable affidavit, designed and provided by the Secretary of State’s office, with the notice so the voter may cure the deficiency in accordance with subdivision 2547(d)(1)(C) of this subchapter

(b) Beginning five business days preceding the election, the clerk is not required to mail a notice to those voters whose ballots have been deemed defective. In these cases, the clerk shall make a reasonable effort to provide notice to the voter as soon as possible using any contact information for the voter, other than the mailing address, that is contained in the voter checklist and shall record the ballot as defective in the online election management system not later than 24 hours after the ballot is deemed defective.

(c) Processing absentee ballots on election day. If the certificate envelopes have not been opened and the voted ballots placed in the ballot box or tabulator, the town clerk or presiding officer shall deliver the unopened early voter absentee ballots to the election officials at the place where the entrance checklist is located. During the polling hours on election day: at the direction of the presiding officer, at least two election officials shall open the container marked "checked in early voter absentee ballots," one election official shall open the certificate envelopes, turn the certificate side face down, and hand the envelope face down to a second election official, if possible from a different political party, who shall remove the ballots from the envelopes and deposit them in the ballot box or vote tabulator. If the early voter is a first-time voter who registered by mail or online, and if the proper identification has not been submitted before the closing of the polls, the ballot shall be treated as a provisional ballot, as provided in subchapter 6A of this chapter.

(d) All early voter absentee ballots shall be commingled with the ballots of voters who have voted in person.

#### **§ 2546a. Deposit of early voter absentee ballots in vote tabulator**

(a) Generally. Notwithstanding any provision of law to the contrary, the board of civil authority may vote to permit elections officials to deposit early voter absentee ballots that have been processed in accordance with subsection 2546(a) of this subchapter and have not been deemed defective into the vote tabulator or ballot box in accordance with the provisions of this section and any guidance issued by the Secretary of State. Any such depositing of ballots shall take place at the town clerk's office place during the 30 days day preceding the election.

(b) Notice.

(1) If a board of civil authority votes to deposit ballots as described in subsection (a) of this section, the process shall be conducted during normal business hours if practicable or, if conducting the process at a time other than normal business hours, notice of the date(s), time(s), and location of the processing shall be posted at the clerk's office and two other public places at least three days in advance.

(c) Officials. The town clerk and at least two other election officials, from different political parties to the extent practicable, shall be present for the inspection of the sealed certificate envelopes and the processing of the ballots described in this section.

(d) Processing. The Secretary of State's office shall issue detailed procedures for conducting the processing of early ballots into the vote tabulator or ballot box pursuant to this section. A town or city shall follow the procedures issued by the Secretary of State's office for this purpose

(e) Rules. The Secretary of State may adopt rules to implement the provisions of this section.

## § 2546b. Early voting in town clerk's office; Deposit into Vote Tabulator

(a)(1) A board of civil authority may vote to permit its town's registered early or absentee voters to vote in the town clerk's office in the same manner as those voting on election day by marking their early voter absentee ballots and depositing them into a vote tabulator or secure ballot box.

(2) If a board of civil authority votes to permit early voting as described in subdivision (1) of this subsection, the town's process for conducting this early voting shall conform to the provisions of this section and to procedures that the Secretary of State shall adopt for this purpose.

(b)(1) During business hours in the town clerk's office, the secure ballot box or vote tabulator and ballot bin shall be in a secured area accessible only to election officials and voters. The vote tabulator unit shall be secured with an identifiable seal and the ballot box containing voted ballots shall remain locked at all times and secured with an identifiable seal. Neither seal shall be broken prior to the time of closing the polls on election day.

(2) Once early voting has commenced in the town clerk's office, the town clerk or designee shall certify each day in a record prepared for this purpose that the seals on the vote tabulator and secure ballot box are intact.

(3) When an election official is not present or at times other than business hours, the secure ballot box or sealed vote tabulator and ballot bin shall be secured in the town clerk's office vault.

(4) The town clerk shall maintain a record of each early or absentee voter who voted in person in accordance with this section and shall mark these voters as having voted early in the clerk's office in the online election management system.

(c) On the day of the election:

(1) The secure ballot box or sealed vote tabulator and sealed ballot bin shall be transferred to the polling place on election day by two election officials and shall not be opened until the polls have closed on election day.

(2) When the vote tabulator is turned on at the polling place, the town clerk shall verify that the number of ballots that the vote tabulator displays as having been counted matches the number of voters who deposited their early voter absentee ballots in the vote tabulator in accordance with this section and any early voter absentee ballots that were processed and deposited in the vote tabulator under section 2546a of this subchapter.

(3) All early voter absentee ballots shall be commingled with those voted at the polls on election day prior to being examined for the purpose of identifying write-in votes.

## § 2547. Defective ballots

(a) If upon examination by the election officials it shall appear that any of the following defects is present, either the ballot or the unopened certificate envelope shall be marked “defective” and the ballot shall not be counted:

(1) the identity of the early or absentee voter cannot be determined;

(2) the early or absentee voter is not legally qualified to vote;

(3) the early or absentee voter has voted in person or previously returned a ballot in the same election;

(4) the certificate is not signed;

(5) the voted ballot is not in the certificate envelope; or

(6) in the case of a primary vote, the early or absentee voter has failed to return the unvoted primary ballots;

(b) Each defective ballot or unopened certificate envelope shall be:

(1) affixed with a note from the presiding officer indicating the reason it was determined to be defective;

(2) placed with other such defective ballots in an envelope marked “Defective Ballots - Voter Checked Off Checklist - Do Not Count”; and

(c) The provisions of this section shall be indicated prominently in the early or absentee voter material prepared by the Secretary of State.

(d)(1) If a ballot is deemed defective, the voter shall be notified of the defect in accordance with the provisions of subdivision 2546(a)(2)(B) of this subchapter. Upon notification, the voter may cure the defect until the closing of the polls on election day, by:

(A) correcting the defect or submitting a new absentee ballot in person at the clerk’s office or at the polling place on election day;

(B) requesting a new ballot be mailed to them by the clerk along with materials for submission of the new ballot, provided the new ballot is received by the presiding officer or other sworn election official prior to the closing of the polls; or

(C) for a voter who failed to sign the certificate envelope, failed to place the voted ballot in the certificate envelope, or did not return their unvoted primary ballots in the unvoted ballot

envelope, returning the signed affidavit included in the notice under subdivision 2546(a)(2)(B)(iii) of this subchapter either by mail, in person, or electronically, provided the affidavit is received by the presiding officer or other sworn election official prior to the closing of the polls if returned in person or by mail or prior to the close of business on the day before the election if returned electronically.

(2)(A) If a voter corrects the defect in accordance with subdivision (1)(A) or (1)(C) of this subsection (d), the clerk shall update the status of the ballot to “received – accepted” in the online election management system.

(B) If a voter corrects the defect by requesting a new ballot be mailed to them under subdivision (1)(B) of this subsection (d), the clerk shall enter a second absentee ballot request and issue date for that voter in the online election management system.

(3) The same voter may cure a ballot deemed defective not more than twice for any single election.

#### **§ 2548. Voting in person**

(a) Prior to the opening of the polls, the municipal clerk shall provide the election officials of each polling place with a list of the names of all persons who have voted early in the clerk’s office or marked and returned early voter absentee ballots, and these persons shall not thereafter vote in person in the same election.

(b)(1) A voter who has been issued an early ballot, either by the Secretary of State’s office pursuant to section 2537a of this subchapter, or otherwise by the town clerk, but who has not returned the voter’s voted ballot to the clerk, may vote in person at the polling place on election day.

(2) If the voter brings the voter’s marked ballot enclosed in the signed certificate envelope, the voter may submit that certificate envelope containing the voted ballot to the entrance checklist official for processing along with any other early or absentee ballots. The voter shall be marked off the checklist and the clerk shall record the voter as having returned the absentee ballot on election day in the online election management system.

(3) If the voter brings the marked ballot, but it is not enclosed in the certificate envelope, the voter shall be marked off the checklist and be allowed to cast that ballot into the secure ballot box or tabulator in the same manner as other voters who are voting in the polling place. The clerk shall record any such voter as having voted in person on election day in the online election management system.

(4) If the voter brings the unmarked ballot, the voter shall be marked off the checklist and allowed to proceed to a voting booth to mark that ballot and cast it into the ballot box or tabulator in the same manner as other voters who are voting in the polling place. The presiding officer may choose to provide any such voter with a new ballot in exchange for the unvoted ballot that the

voter brought to the polls. The clerk shall record any such voter as having voted in person on election day in the online election management system.

(5) If the voter does not bring a marked or an unmarked ballot with them to the polls, the voter shall be required to sign an affidavit that the voter has not previously cast a ballot in the election, and only then shall they be checked off the checklist and allowed to vote in the same manner as all other voters who are voting at the polling place. The clerk shall record any such voter as having voted in person on election day in the online election management system. Any affidavits signed by voters at the polling place pursuant to this section shall be retained for a period of 90 days following the election.

#### **§ 2549. Use of federal war ballot**

In addition to and supplementing the provisions of this title, the provisions of any federal statute for a federal war ballot and for procedures affecting and facilitating voting by members of the military service of the United States are hereby authorized for use in this state.

#### **§ 2550. Early or absentee voters deemed "present and voting"**

A voter voting by early voter absentee ballot shall be deemed as "present and voting," for purposes of any provision in which the phrase "present and voting" is used in the Vermont statutes annotated or in the acts of the general assembly.

### **Subchapter VIA: Provisional Voting and Voter Affirmation**

#### **§ 2555. Provisional ballot envelopes**

The clerk shall deliver to each polling place on the date of the election a sufficient number of provisional ballot envelopes printed with a voter attestation. The attestation shall include:

(1) A statement informing the applicant of the requirements for voter eligibility set forth in section 2121 of this title and space for the provisional voter to provide the information necessary for the town clerk to determine eligibility, including a place for the applicant to swear or affirm, by checking the appropriate box, that he or she meets all voter eligibility requirements set forth in section 2121 of this title and the signature of the provisional voter signed under penalty of perjury. In addition, the attestation shall include the following information:

(A) The provisional voter's place and date of birth.

(B) The provisional voter's town of legal residence.

(C) The provisional voter's street address or a description of the physical location of the applicant's residence. The description must contain sufficient information so that the town clerk can determine whether the applicant is a resident of the town.

(2) An attestation by the provisional voter that he or she submitted a properly completed voter application form. The attestation shall be signed by the provisional voter under penalty of perjury.

(3) Space on the application for documentation of the town clerk's action.

(4) A statement informing the provisional voter: "If you choose to vote by provisional ballot, after the close of the polls, the town clerk will determine whether you meet all eligibility requirements. If the clerk denies your application, he or she will inform you that the application has been denied."

### **§ 2556. Provisional voting**

(a) If an individual's name does not appear on the checklist and the individual claims to have submitted an application for the checklist and refuses to complete a new application in accordance with subdivision 2563(2) of this chapter, or if the individual's registration application has been rejected and the individual disputes that rejection, the election official shall allow the individual to vote provisionally.

(b) The provisional voter shall be given a ballot and an envelope with an attestation printed upon it, as described in section 2555 of this title, and shall complete the attestation on the envelope. Upon completion, the provisional voter shall seal the envelope and deposit it in a ballot box marked for the receipt of provisional ballots.

(c) A provisional voter who makes a false statement in completing the attestation, knowing the statement to be false, shall be subject to the penalties of perjury as provided in 13 V.S.A. chapter 65.

### **§ 2557. Town clerk approval of provisional voter attestation**

(a) The town clerk may make such investigation as he or she deems proper to verify any fact stated in the application. In making the determination whether to accept the provisional voter's attestation, the town clerk shall determine whether the applicant meets all of the registration eligibility requirements. However, the town clerk may not require a provisional voter to complete any form other than that approved under section 2555 of this title; nor may the board of civil authority require all provisional voters or any particular class or group of provisional voters to appear personally before a meeting of the board or routinely or as a matter of policy require provisional voters to submit additional information to verify or otherwise support the information contained in the attestation.

(b) Within two days after the close of the polls, the town clerk shall inform each provisional voter of his or her action on a provisional voter's attestation. If the clerk rejects a provisional voter, the clerk shall also notify the provisional voter immediately of his or her reasons by first class mail directed to the address given in the application.

(c) When the town clerk approves a provisional voter's attestation, the town clerk shall note his or her approval in the space provided on the envelope, photocopy the affidavit from all provisional envelopes, place all provisional envelopes with the official return of vote, and send all information to the secretary of state in a manner prescribed by the secretary.

(d) Upon receipt of the official return of vote that contains provisional envelopes from any town clerk, the secretary shall open all envelopes that were approved by the municipal clerk, deposit the ballot in a ballot box, and count all approved ballots, adding the totals to the statewide count for federal offices.

## **Subchapter VII: Process of Voting**

### **§ 2561. Hours of voting; extended hours**

(a) At all elections using the Australian ballot system, the polls may open no earlier than 5:00 a.m. and shall open no later than 10:00 a.m. as set by the board of civil authority in each town. The polls in all polling places shall close at 7:00 p.m.

(b) If at the hour of closing there are any qualified voters at the polling place desiring to vote, who have been unable to do so since appearing there, the polls shall be kept open long enough after the hour of closing to allow those present a reasonable opportunity to vote. A person not present at the hour of closing shall not be entitled to vote, although the polls may not actually be closed when he or she arrives.

### **§ 2562. Presiding officer to assign duties to election officials**

At each polling place, the presiding officer shall assign specific duties to each election official present. Insofar as practical, he or she shall assign election officials to work in pairs, with each pair containing members from different political parties. (Added 1977, No. 269 (Adj. Sess.), § 1.)

### **§ 2563. Admitting voter**

Before a person may be admitted to vote, he or she shall announce his or her name and if requested, his or her place of residence in a clear and audible tone of voice, or present his or her name in writing, or otherwise identify himself or herself by appropriate documentation. The election officials attending the entrance of the polling place shall then verify that the person's name appears on the checklist for the polling place.

(1) If the name does appear, and if no one immediately challenges the person's right to vote on grounds of identity or having previously voted in the same election, the election officials shall repeat the name of the person and:

(A)(i) If the checklist indicates that the person is a first-time voter in the municipality who registered by mail or online, whose driver's license, nondriver identification number, or last four digits of his or her Social Security number provided by the applicant have not been verified by the Secretary of State, and who has not provided required identification before the opening of the polls, require the person to present any one of the following: a valid photo identification; a copy of a current utility bill; a copy of a current bank statement; or a copy of a government check, paycheck, or any other government document that shows the current name and address of the voter.

(ii) If the person is unable to produce the required information, the person shall be afforded the opportunity to complete a new application for addition to the checklist in accordance with section 2144 of this title.

(iii) The elections official shall note upon the checklist a first-time voter in the municipality who has registered by mail and who produces the required information, and place a mark next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(B) If the voter is not a first-time voter in the municipality, no identification shall be required. The clerk shall place a check next to the voter's name on the checklist and allow the voter to proceed to the voting booth for the purpose of voting.

(2) If the name does not appear, the person shall be afforded the opportunity to complete an application for addition to the checklist in accordance with section 2144 of this title.

### **§ 2564. Challenges**

(a)(1)(A) Each organized political party, each candidate on the ballot not representing an organized political party, and each committee supporting or opposing any public question on the ballot shall have the right to have not more than two representatives for each voting district, in a polling place but outside the guardrail, for the purpose of observing the voting process and challenging the right of any person to vote.

(B) In no event shall such representatives be permitted to interfere with the orderly conduct of the election, and the presiding officer shall have authority to impose reasonable rules for the preservation of order.

(C) However, in all cases the representatives shall have the right to hear or see the name of a person seeking to vote, and they shall have the right to make an immediate challenge to a person's right to vote.

(2) The grounds of challenge of a person whose name appears on the checklist shall be only:

(A) that he or she is not, in fact, the person whose name appears on the checklist, or

(B) that he or she has previously voted in the same election.

(b) If a challenge is issued, the members of the board of civil authority present in the polling place shall immediately convene, informally hear the facts, and decide whether the challenge should be sustained.

(1) If the board overrules the challenge, the person shall immediately be admitted within the guardrail and permitted to vote.

(2) If the board sustains the challenge, the person shall not be admitted unless, before the polls close, he or she shall obtain a court order directing that he or she be permitted to vote.

### **§ 2565. Delivery of ballots**

Except as otherwise provided in subsection 2548(b) of this title, as each voter passes through the entrance of the guardrail, an election official or officials shall hand him or her one of each kind of ballot. The election officials shall also answer any questions a voter may ask concerning the process of voting. The presiding officer shall keep the election officials in charge of furnishing ballots to voters supplied with a sufficient number of blank ballots, keeping the remainder of the blank ballots safely secured until needed.

### **§ 2566. Marking ballots**

Except as provided in subdivision 2548(b)(2) of this title, on receiving his or her ballots, the voter shall forthwith, and without leaving the polling place or going outside the guardrail, proceed to one of the booths not occupied by any other person and vote by filling in the appropriate square or oval opposite the name of the candidate of his or her choice for each office, or by writing in the name of the candidate of his or her choice in the blank space provided and filling in the square or oval to the right of that blank space.

### **§ 2567. Voting systems for voters with disabilities**

(a) [Repealed.]

(b) All polling places shall possess at least one voting system approved by the Secretary of State equipped for individuals with disabilities, including accessibility for people who are blind and people who have a visual impairment, to vote independently and privately.

### **§ 2568. Removing ballots from polling place; replacement, and unused ballots**

(a) Removing ballots from polling place. A person shall not take or remove a ballot from the polling place before the close of the polls.

(b) Replacement ballots

(1) If a voter desires a replacement ballot, he or she may obtain another, not exceeding three in all, upon each time returning to an election official the previous ballot he or she was provided.

(2) If a ballot is returned to an election official by a voter desiring a replacement ballot, the ballot returned by the voter shall be immediately delivered to the presiding officer or his or her designee, who shall tear it in half and place it in an envelope containing all ballots returned by the voters that is clearly marked "Do Not Count-Replaced Ballots." At the close of the polls, this envelope shall be sealed and delivered to the clerk pursuant to section 2590 of this chapter.

(c) Unused ballots. Ballots originally delivered to the presiding officer that remain undistributed to the voters shall be preserved and returned to the town clerks, and following the election, they may be destroyed or distributed by the town clerk for educational purposes or for any other purpose the town clerk deems appropriate.

### **§ 2569. Assistance to voter**

(a) A voter who declares to the presiding officer that he or she needs assistance to mark the ballot shall be assisted in the marking or registering of the ballot by a person of the voter's choice or two election officials of different party affiliations.

(b) A person who gives assistance to a voter in the marking of his or her ballot shall not in any way divulge any information regarding the choice of the voter or the manner in which the voter's ballot was cast.

### **§ 2570. Depositing ballots**

(a) In primary elections, the voter shall first hand any unvoted primary ballots to the appropriate election official, who shall deposit those ballots in a receptacle marked for unvoted primary ballots. The voter shall then deposit the voted ballot in the ballot box or vote tabulator, unless the voter requires assistance in depositing the ballot.

(b) In all other elections, the voter shall, without displaying the marks thereon and under the supervision of an election official, deposit each ballot into the proper ballot box or in the vote tabulator.

(c) Except as provided in section 2569 of this title, no election official or other person shall look at the contents of any ballot.

### **§ 2571. Checking voter's name upon leaving**

In towns that have exit checklists, before a voter's ballots are deposited, he or she shall again announce his or her name to the election officials attending the second certified copy of the checklist. A mark shall then be placed next to his or her name upon the checklist, ballots shall be deposited and he or she shall proceed immediately outside the guardrail by the exit and shall not again enter within the guardrail unless he or she is an election official.

### **§ 2572. Viewing of the checklist**

(a) A representative of each political party, a candidate on the ballot not represented by a political party, and a representative of each committee supporting or opposing any public question on the ballot shall each have the right to view, no more than two times each, a copy of the checklist upon which the election officials are marking those persons who have voted.

(b) This viewing shall occur only at times during the election which are convenient for the election officials and is required to be permitted only in instances where the board of civil authority have received a request in writing from the representative or candidate at least 12 hours before the opening of the polls.

(c) This section shall only apply at polling places which have checklists of eligible voters numbering 500 or less.

### **§ 2573. No counting before polls close**

In towns that do not use vote tabulators, the ballot boxes shall not be opened nor the ballots counted before the closing of the polls. In towns using vote tabulators, the tabulator counts shall not be viewed or printed before the closing of the polls.

## **Subchapter VIII: Count And Return Of Votes**

### **§ 2581. Closing polls**

When the hours set for voting, including extended hours of voting, have expired, the presiding officer at each polling place shall publicly announce that the polls are closed. He or she shall then insure that all persons who are not election officials are prevented from entering within the guardrail until all votes have been counted and ballots secured as provided in this subchapter. Persons who are not election officials may remain within the polling place but outside the guardrail, or within a designated area in any other room where ballots are being counted, provided that they are able to observe the counting process, but that they do not in any way interfere with the orderly count and return of votes.

### **§ 2582. Presiding officer to direct count; transporting ballots or checklist**

The presiding officer shall direct the manner in which the votes are counted, subject to the provisions of this title and as provided for in the rules for counting ballots adopted by the secretary of state. Ballots shall be counted at the polling places where they are cast, except where the secretary of state, upon request of the presiding officer, has issued a determination that the ballots should be counted elsewhere, or the checklist should be moved by two elections officials of different parties for the purpose of making a photocopy.

### **§ 2583. Official checklist to be tallied; storage of checklist**

(a)(1) The presiding officer, as soon after the closing of the polls as possible, shall cause both certified checklists to be examined and the number of voters checked as having voted to be tallied. Both tallies shall be recorded by the presiding officer. The presiding officer shall prepare a statement listing any discrepancies between the checklists, including the names involved and other details relating to the discrepancies.

(2) Unless the board of civil authority votes not to use an exit checklist under section 2507 of this chapter, each checklist shall be identified as either the "entrance" or "exit" checklist, and the exit checklist, together with a statement of discrepancies, shall be sealed and stored with the ballots and tally sheets as provided in section 2590 of this chapter. The entrance checklist shall be safely stored so that the public cannot have access to it for a period of 90 days except under the direct supervision of the town clerk.

(b) [Repealed.]

### **§ 2584. Opening of ballot boxes; distribution of ballots**

After the closing of the polls, the presiding officer shall open the ballot boxes and distribute the ballots among the election officials in approximately equal numbers. As nearly as may be, election officials shall work in pairs while counting ballots, each pair consisting of members of different parties. Once ballots are distributed to a pair of election officials, that pair shall retain the same ballots throughout the counting process. If more than one kind of ballot has been used in the election, only one kind at a time shall be distributed.

### **§ 2585. Ballots not to be written upon**

No person shall in any manner, nor for any reason, make any mark upon either the face or reverse side of any ballots, during the counting process. All notations, arithmetic, or other marking shall be done upon separate pieces of scratch paper.

## **§ 2586. Tally sheets; summary sheets; returns**

The Secretary of State shall design, prepare, and distribute a sufficient supply of the following forms, which may be used in each polling place during the counting process:

(1) Tally sheets.

(A) These sheets shall provide a place to identify the office or question for which the ballots are being counted, the name of each candidate for that office, and the signature of the pair of election officials actually counting the ballots.

(B) Votes for each candidate or question shall be recorded on the tally sheets by means of "tick" marks or some other convenient system, and the total shall then be written on the tally sheet.

(C) Blank votes (undervotes) and overvotes shall be indicated.

(D) In towns that count ballots by hand, all votes must be accounted for on the tally sheets.

(2) Summary sheets. These sheets shall be used to record the totals shown on all tally sheets in the polling place for each office or public question, and the sum of such totals. They shall provide a place to identify the office or public question, the candidates, and the signatures of the presiding officer and at least one other election official.

(3) Return. The return shall be prepared in duplicate and used to make the official report from each polling place of the grand totals of all votes cast in the polling place. It shall identify the polling place, and each candidate or question receiving votes, and shall be signed by the presiding officer and at least one other election official.

## **§ 2587. Rules for counting votes**

(a)(1) In counting votes, election officials shall attempt to ascertain the intent of the voter as expressed by markings on the ballot and in a manner that is consistent with guidance that shall be adopted by rule by the Secretary of State.

(2) If it is impossible to determine the intent of the voter for any office or public question, the vote shall be counted as a blank or overvote, as the case may be, for that office or question; but that determination shall not control any other office or question appearing on the ballot for which the voter's intent can be determined.

(3) If they have any doubt about the intent of the voter or any other question about a vote, the election officials counting the vote shall bring it to the presiding officer, who shall present the question of how to treat the vote to the assembled election officials. The decision of how to treat the vote shall be made by majority vote of the election officials who are present.

(b) If the voter marks more names than there are persons to be elected to an office, or marks contradictory sides on any public question, overvotes equal to the number of candidates to be elected to the office must be recorded on the tally sheet for that office or question.

(c)(1) A write-in vote for a candidate whose name is preprinted on the ballot shall be counted as a vote for that candidate.

(2) A person who receives more than one vote for the same office on any ballot shall be entitled to one vote, and one vote only.

(d) If the board of civil authority decides by majority vote of those present that any markings on a ballot were made for the purpose of enabling it to be identified and the vote traced, so as to defeat the secrecy of the ballot:

(1) that ballot shall be:

(A) rejected;

(B) marked defective and affixed with a note from the presiding officer as to why it was marked defective; and

(C) placed in the defective ballot envelope in accordance with subsection 2547(b) of this chapter; and

(2) the election officials may edit the vote tabulator totals reported on the vote tabulator tape as necessary.

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

(2) The election officials counting ballots and tallying results shall list every person who receives a "write-in" vote and the number of votes received.

(A) On each tally sheet, the counters shall add together the names of candidates that are clearly the same person, even though a nickname or last name is used.

(B) Names of fictitious or deceased persons shall not be listed and shall be recorded on the tally sheet as a blank vote.

(f) When the same number of persons are nominated for the position of justice of the peace as there are positions to be filled, the presiding officer may declare the whole slate of candidates

elected without making individual tallies, providing each person on the slate has more votes than the largest number of write-in votes for any one candidate.

### **§ 2588. Filing returns**

For any primary or general election:

(1)(A) 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 the figures, and sign the summary sheets.

(B) As each summary sheet is completed, the presiding officer shall publicly announce the results.

(2)(A) In towns that use vote tabulators, after the close of the polls and after all remaining absentee or transfer ballots have been fed into the vote tabulator, 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 one additional copy of the tabulator tape.

(B) 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."

(3) The town clerk shall report as soon as practicable on the day of the election the unofficial vote counts of all candidates whose names appeared on the ballot to the Secretary of State. The report shall be made by electronically submitting the vote counts on the Secretary's online elections reporting system or, if unable to submit electronically, by submitting those vote counts to the Secretary of State by telephone, facsimile, or e-mail.

(4) The Secretary shall ensure that any vote counts submitted by telephone, facsimile, or e-mail are entered into his or her online elections reporting system as soon as practicable after he or she receives them.

(5) The Secretary's online elections reporting system shall cause the unofficial vote counts to be posted immediately on the Secretary's official website as soon as those vote counts are submitted.

(6)(A) 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, not later than 48 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.

(B) 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.

(C) 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.

### **§ 2589. Identifying ballots**

When each kind of ballot has been completely counted, each pair of election officials shall securely bind the ballots they have counted and one copy of each tally sheet they have prepared with string or rubber bands and shall, on a separate piece of paper, indicate the number of ballots in the package and the identity of the election officials who counted them, as: "100 ballots counted by John Doe and Mary Smith."

### **§ 2590. Securing and storing ballots, tally sheets, and checklists**

(a)(1) The following shall not be placed in a sealed container, but shall be delivered to the town clerk along with the sealed containers:

- (A) ballots that were never distributed to voters;
- (B) any vote tabulator memory card; and
- (C) the original entrance checklist.

(2) The presiding officer shall collect and deliver to the town clerk, securely sealed in the containers described in subsection (c) of this section, the following:

- (A) packages of voted ballots;
- (B) envelopes containing ballots that have been replaced;
- (C) envelopes containing defective ballots;
- (D) the exit checklist, if present;
- (E) tally sheets; and
- (F) other election material.

(3) A copy of the entrance checklist shall be placed in the outside pocket of the sealed container or otherwise stored along with but outside the sealed container for deliver to the court in the event of a recount.

(4) If the material collected from one polling place is sealed in more than one container, the presiding officer shall ensure that there shall be attached to the container in which the exit checklist is located, a tag stating that the checklist is in that container.

(5) The form of the seal shall be designated and furnished by the Secretary of State in sufficient quantities to each town clerk. The Secretary of State shall require that all seals be safely kept and fully accounted for.

(b) The Secretary of State shall furnish to all town clerks sufficient quantities of uniform-style containers. The Secretary shall establish a method by which the outside of each container shall indicate the contents of the container, the town to which it belongs, and such other pertinent information as may be required.

(c)(1) The town clerk shall safely store the sealed containers and shall not permit them to be removed from his or her custody or tampered with in any way.

(2)(A) In the event that a container breaks, splits, or opens through handling, or in the event the original entrance checklist or a vote tabulator memory card was inadvertently sealed in a container, the town clerk shall notify the Secretary of State in writing, and the Secretary shall order the town clerk in the presence of two other town election officials who are not members of the same political party to open the bag to remove the entrance checklist or vote tabulator memory card or to move the entire contents to new containers, affix new seals, and transmit the new seal numbers.

(B) Containers shall not be removed or tampered with in any other way, except under court order, or by order of any authorized committee of the General Assembly.

(C) If necessary for safe storage of the containers, the town clerk may store them in a bank vault or other secure place, within or outside the town, provided that access to them cannot reasonably be had without the town clerk's consent.

(d) Except as otherwise provided by federal law, all ballots and tally sheets shall be retained for a period of 90 days from the date of the election, after which time they may be destroyed; provided, however, that if a court order is entered prior to the expiration of the 90-day period, ordering some different disposition of the ballots, the town clerk shall abide by such order.

(e) After the sealed containers are opened as provided in subsection (d) of this section, the town clerk shall file a copy of the entrance or exit checklist and preserve it, together with a statement of discrepancies, as a public record. The checklist shall be retained for a period of at least five years from the date of the election and shall be made available at cost to the public upon request.

**§ 2591. Return not received**

If any canvassing committee does not receive in due time any return required to be forwarded to it, it shall notify the clerk of the town from which the return is lacking, who shall forthwith make another certified copy of the record in his or her office of the lacking return and transmit the same to the committee.

**§ 2592. Canvassing committees; canvass of votes in general or special elections**

(a) For all State and national offices and statewide public questions, the Secretary of State and the chair of the State committee of each major political party (or designee) shall constitute a canvassing committee to receive and tally returns and issue certificates.

(b) For all county offices and countywide public questions, the county clerk and the chair of the county committee of each major political party (or designee) shall constitute a canvassing committee to receive and tally returns and issue certificates.

(c) For state senator, the senatorial district clerk and the chair of the county committee of each major political party (or designee) in the county for which the senatorial district clerk is clerk shall constitute a canvassing committee to receive and tally returns and issue certificates.

(d) For state representative, the representative district clerk and one other election official from the district shall serve as a canvassing committee to receive and, if necessary, tally returns and issue certificates.

(e) In the case of the canvassing committees in subsections (b) and (c) of this section, if there is no party organization or party chair in the county, the state committee chairman may designate a person to serve on the appropriate canvassing committee.

(f) In the case of primary elections, the canvass of votes shall be made as provided in subchapter 1 of chapter 49 of this title.

(g) In the case of general or special elections, each canvassing committee shall meet at 10:00 a.m. one week after the day of the election and proceed to canvass the votes as provided in subsections (h) through (m) of this section. The canvassing committee may recess from time to time until it has completed its work.

(h)(1) The canvassing committee shall declare the person receiving the largest number of votes for each office to be elected, and it shall issue a certificate of election, signed by a majority of the canvassing committee, in substantially the following form:

State of Vermont                    )  
  )  
..... County, ss                    )

At ....., on the ..... day of ..... 20 ....., a canvassing committee appointed by law completed a canvass of the returns cast at a general election held on the ..... day of ....., 20 ..... for the office of ..... The committee hereby certifies that ..... of ..... was duly elected to the office by the voters present and voting.

.....  
.....

(2) The committee shall send or deliver the certificate to the candidate elected. In the case of representatives to the general assembly, the committee shall also send or deliver a copy of each certificate to the secretary of state.

(i) In the case of justices of the peace, the town clerk shall send or deliver a certificate signed by the town clerk and one other election official to each candidate elected. The secretary of state shall provide certificate forms for this purpose. The town clerk shall also file with the secretary of state a list of the names and addresses of justices of the peace and shall notify the secretary of state of any changes in the list as filed.

(j) The certificate shall be a sufficient credential of such person's election, unless superseded by a court order as provided by subchapter 9 of this chapter.

(k)(1) In the case of the State offices, the canvassing committee shall prepare a certificate of election but shall not sign it.

(2) The prepared certificate shall be presented to the official canvassing committee appointed by the General Assembly, pursuant to Chapter II, § 47 of the Constitution of the State of Vermont, for their use if they desire.

(l)(1) In the case of a tie vote, the canvassing committee shall forthwith petition the appropriate Superior Court for a recount pursuant to section 2602 of this title.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, either of the candidates that is involved in a tie may notify the appropriate Superior Court that he or she is withdrawing, in which case the court shall certify the other candidate as the winner.

(m) Each canvassing committee shall file a report of its findings with the Secretary of State, who shall preserve the reports as permanent records.

**§ 2593. Participation to be entered on statewide checklist by town clerk**

Not later than 60 days after an annual town meeting, primary election, presidential primary, or general election, the town clerk shall indicate on the town checklist of the statewide checklist each voter's participation, participation method, and political party of ballot taken, if applicable, in that election by a method approved by the Secretary of State.

## Subchapter 9: Recounts and Contest of Elections

### § 2601. Recount threshold

(a)(1) In an election for federal office, statewide office, county office, or State Senator, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is two percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

(2) In an election for State Representative, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is five percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

(b) In the case of a recount for a local election, the threshold and procedures for conducting the recount shall be as provided in chapter 55, subchapter 3 of this title.

### § 2602. Petitions for recounts; setting date of recount

(a) [Repealed]

(b) In the case of recounts described in subsection 2601(a) of this subchapter, the following procedure shall apply.

(1) A petition for a recount shall be filed within seven calendar days after the election.

(2) The petition shall be filed with:

(A) the Civil Division of the Superior Court, Washington County, in the case of candidates for State or congressional office, or for a presidential election; or

(B) the Superior Court in any county in which votes were cast for the office to be recounted, in the case of any other office.

(3) The petition shall be supported, if possible, by a certified copy of the certificate of election prepared by the canvassing committee, verifying the total number of votes cast and the number of votes cast for each candidate.

(c)(1) The Superior Court shall:

(A) set the date of the recount to be:

(i) five business days after the Court receives the petition in the case of a primary recount; or

(ii) 10 business days after the Court receives the petition, in the case of a general election recount; and

(B) notify all candidates of the recount date no later than the next business day after the petition is received.

(2)(A) The Superior Court shall forward a copy of the petition to the county clerk.

(B) The Court shall order the town clerk or clerks having custody of the ballots to be recounted or their designees to transport the ballots and a copy of the entrance checklist from the election to be recounted to the county clerks of their respective counties before the day set for the recount.

(C) The county clerk shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount.

(d)-(h) [Repealed]

(i) [Repealed]

### **§ 2602a. Appointment of Recount Committee**

(a)(1) Upon receipt of a petition, the county clerk shall notify all candidates for the office that is the subject of the recount, advising them to each submit immediately a list of a minimum of 10 nominees for individuals to serve on a recount committee.

(2)(A) If a list of nominees is not delivered to the county clerk within two business days, the clerk shall notify the appropriate candidates that they have 24 hours to submit lists of nominees for individuals to serve on the recount committee.

(B) If the petitioning candidate fails to submit a complete list of nominees by this deadline, the recount shall not move forward.

(C) If any other candidate fails to submit a complete list of nominees, the county clerk shall request additional nominees from the other candidates.

(b)(1) The Superior Court shall make a minimum of 12 appointments to the recount committee from among those nominated under this section, with the number of appointments based on the number of votes to be recounted and a goal of completing the recount within one day.

(2) In making these appointments, the court shall appoint an equal number of persons representing each candidate, to the extent practicable.

### **§ 2602b. Assignment of duties; recount materials**

(a)(1) The county clerk, with the support of the Secretary of State, shall supervise the recount and shall recruit town clerks or their designees to serve as impartial assistants to the county clerk for operating the vote tabulators and shall consult with the Secretary of State to identify any vote tabulators to be used.

(2) The county clerk may appoint a sufficient number of additional impartial assistants to perform tasks that have not been assigned to recount committee members

(3) On each day of the recount, the town clerk of any town subject to the recount shall be available to the county clerk in person or by telephone to answer any questions the county clerk may have regarding the town's election.

(b)(1) The county clerk shall assign committee members to the following teams;

(A) Counting teams comprising at least four persons each, consisting of an equal number of persons representing each candidate, to the extent possible;

(B) One vote tabulator team, comprising two persons, each of whom represents at different candidate; and

(C) One clerk observer team, comprising of two persons, one of who is from the list of the petitioning candidate and one of whom, if possible, is from the list of the winning candidate who received the lowest number of votes.

(2) Any additional team members shall remain unassigned and shall be used as necessary of the day of the recount.

(c) The Secretary of State shall provide to the recount committee:

(1) fresh seals, manila tags, tally sheets, summary sheets for each town, and other material deemed appropriate by the Secretary of State; and

(2) the official return of votes for each town subject to the recount

### **§ 2602c. Preparation for recount; general rules**

(a) Recount area; preserving order.

(1)(A) The county clerk shall designate an area within which the recount shall take place.

(B) Persons who are not committee members or who have not been designated as impartial assistants by the county clerk shall be permitted to view the recount in progress, but shall not be permitted within the recount area.

(2) The county clerk shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the county clerk may cause the person to be removed from the premises.

(b) Preliminary requirements. Before the recount begins and any containers are opened:

(1) Explaining procedures. The county clerk shall explain the recount procedures that are to be followed and shall answer questions relating to such procedures.

(2) Blank ballots; vote tabulator test.

(A) The county clerk shall obtain blank ballots from the town clerks of the towns subject to the recount. These blank ballots shall be used as test ballots to perform the vote tabulator test described in this subdivision (2).

(B) (i) The vote tabulator team shall perform a test of the vote tabulators that will be used by marking and feeding into each tabulator a minimum of 10 test ballots. The test ballots shall be marked with various votes for each candidate for the office subject to the recount.

(ii) If more than one memory card is to be used, such a test shall be performed for each memory card.

(C) If a vote tabulator does not tabulate these votes accurately, it shall not be used.

(D) Once the test is completed, these ballots and the tabulator tape containing the results of the test shall be sealed in an envelope that shall be dated and marked "TEST BALLOTS-DO NOT COUNT." This envelope shall then be kept separate from the rest of the containers.

(c) Tables. Each team shall have a separate table and the county clerk shall have a separate table, and all of these tables shall be spaced apart.

(d) Separating containers, polling places, and towns. Each recount team shall:

(1) recount the contents of one container before opening another container at its table;

(2) recount the contents of all the containers relating to one polling place before moving to those of another polling place; and

(3) complete the recount for one town before moving to material relating to another town.

(e) Recording containers. For each town, the number of containers shall be counted and recorded on the summary sheet for that town.

(f) Inspecting containers and seals.

(1) Containers. Before opening, each container shall be inspected, and if no tag is present, replacement manila tags shall be affixed, specifying date of election and name of town and polling place.

(2) Seals.

(A) Each seal shall be inspected to see if it is intact, and the county clerk shall attach to any container with a defective seal a tag stating that the seal was defective and containing the information that was contained on the defective seal.

(B) If a seal number does not match the seal number reported by the town clerk on the official return of votes, the county clerk shall contact the town clerk to request an explanation for that difference. The county clerk shall record any explanation of the summary sheet for that town.

(g) Uncounted containers. Uncounted containers shall be kept in one part of the room and moved to the other side as they are counted.

(h) Checklist container. If there is more than one container from a polling place, the county clerk shall open first the container that is identified as containing the checklist, if applicable.

(i) Opening containers. The county clerk shall empty the contents of each container onto his or her table in the presence of the clerk observer team.

(j) Materials not to be distributed. The county clerk shall ensure that teams are not given, and the teams shall not count:

(1) ballots marked defective or contained in a defective ballot envelope;

(2) unused ballots that were not distributed to voters; or

(3) ballots returned by voters who requested replacement ballots, or ballots contained in a replaced ballot envelope.

(k) Recording defective ballots. In the presence of the clerk observer team, the county clerk shall mark the number of defective ballots from the official return of votes for each town on the summary sheet for that town.

#### **§ 2602d. Review of official return of votes; Examination of Checklist**

(a)(1) The county clerk shall review the official return of votes for each town, record on the summary sheet for each town the number of ballots counted and the number of voters checked off the checklist on the town's return, and if those two numbers are the same, the checklist for that town shall not be examined.

(2) If those two numbers for a town are not the same, the checklist may be examined in accordance with the following provision of this section, if requested by one of the candidates subject to the recount.

(b) The checklist from the first container shall be assigned to a team. Two persons who represent different candidates, each acting independently, shall examine the checklist and determine how many voters voted at the polling place, repeating the process until they agree on a number or until they agree to disagree on a number.

(c) Then the checklist shall be examined by the remaining members of the team, repeating the process until they agree on a number or they agree to disagree on the number.

(d) The results obtained from the two subgroups will be compared and if they do not match, the process shall be repeated until there is agreement among all the members of the team or until team members agree to disagree.

(e) The number finally determined by a majority of team members shall be submitted to the county clerk in the presence of the clerk observer team, together with an indication of the nature and extent of any disagreement.

(f) The county clerk shall note on the summary sheet for the town the number finally determined, together with a note indicating that the number of people appearing as having voted on the checklist was subject to dispute, if one or more team members did not agree with the number submitted.

#### **§ 2602e. Sorting ballots; ballot review; recount of removed ballots by hand**

(a) Sorting ballots.

(1) While the checklist is being examined, if applicable under section 2602d of this subchapter, after emptying a container onto his or her table, the county clerk shall separate ballots from the container into a number of batches equal to the number of counting teams, with each batch being of approximately equal size.

(2) Each counting team shall take a batch of ballots from the county clerk's table to counting team's table.

(3) Two persons who represent different candidates on a counting team shall sort that batch into stacks of 50 ballots, and the remaining members of the team shall recount each stack to ensure that there are 50 ballots in it.

(4)(A) The counting teams shall combine any ballots not placed into a stack of 50, and one of those counting teams shall separate those combined ballots into stacks of 50 and recount them in accordance with subdivision (3) of this subsection.

(B) For any final stack that contains fewer than 50 ballots, the county clerk shall affix to the top of that stack a note indicating how many ballots are contained in it.

(b) Ballot review and removal.

(1)(A) For each stack, a counting team shall review each ballot within the stack and remove from that stack each ballot upon which, for the office in question, the voter recorded his or her vote or votes in that race in any manner other than completely filling in the oval to the right of a preprinted candidate's name.

(B) Each counting team shall also remove any plain paper or damaged ballots.

(2) A ballot shall be removed only if at least two members of the counting team agree to its removal.

(3) A ballot without markings for the office in question shall not be removed.

(4) A ballot that is not removed upon this first review shall not be reviewed again.

(c) Delivery of remaining ballots.

(1) Each counting team shall then attach to that stack a note indicating the number of ballots remaining in the stack.

(2) The county clerk shall deliver those remaining ballots to the vote tabulator team.

(d) Hand count of removed ballots; questionable votes.

(1) Each counting team shall then separate the removed ballots into stacks of 50 in accordance with the process set forth in subdivision (a)(3) of this section.

(2) The counting team shall then hand count the votes for the office in question on the removed ballots and mark the results on a tally sheet for each stack of 50 removed ballots and any remaining stack with less than 50.

(3)(A) This hand count shall be in accordance with the rules for counting ballots set forth in section 2587 of this chapter, except that if two persons on the counting team do not agree on how to count a vote, the ballot shall be set aside as containing a questionable vote.

(B)(i) For any questionable vote, a copy of the ballot shall be made, and this copy shall be clearly marked on its face identifying it as a copy. Once the recount of a container is completed, any such copies shall be placed on the top of the other ballots and shall remain together with the other ballots.

(ii) Each original ballot with a questionable vote shall be attached to a note that identifies it by town, county, polling place, and container seal number. The originals of these ballots with questionable votes shall be clipped to the summary sheet for that town, along with a copy of the official return of votes, and submitted to the court for a final decision.

(iii) The county clerk shall record the number of ballots containing questionable votes to be submitted to the court on the summary sheet for the town.

(C) At the end of the hand count for a container, two persons from each counting team who represent different candidates shall deliver any tally sheets from their table to the county clerk in the presence of the clerk observer team.

(D) The county clerk, in the presence of the clerk observer team, shall record the totals from each tally sheet onto the summary sheet for the town.

(e) This process shall be completed for as many containers as there are for each town.

#### **§ 2602f. Recount of remaining ballots by vote tabulator**

(a) The vote tabulator team shall operate any vote tabulator used in the recount, with the assistance of the recruited town clerks or designees.

(b) The vote tabulator memory card or cards shall be programmed to read only the votes for the election that is the subject of the recount.

(c)(1) At the same time as any removed ballots are being hand counted, the vote tabulator team shall take any ballots from each container delivered to them, and feed them through a vote tabulator.

(2) The vote tabulator team shall attempt to feed the ballots into the vote tabulator in the same direction.

(3)(A) If the tabulator refuses a ballot, the vote tabulator team shall announce that occurrence and whether the ballot was counted, and may override that refusal.

(B) If the tabulator continues to refuse the ballot, the vote tabulator team shall announce that occurrence and return it to a counting team for hand counting.

(4) This process shall be used until all ballots from a container have been tabulated by a vote tabulator or otherwise returned to a counting team for hand counting.

(d)(1) This process shall be repeated until all ballots from a town have been fed through a vote tabulator.

(2) If there is more than one container for a town, the tabulator tape shall not be printed until ballots from all containers for that town have been tabulated.

(e)(1) After all ballots from a town have been tabulated by a vote tabulator, the vote tabulator team shall print the tabulator tape containing the unofficial results for that town, and deliver that tabulator tape to the county clerk in the presence of the clerk observer team.

(2) The county clerk shall then record the totals from the tabulator tape onto the summary sheet for the town in the same manner that he or she recorded the individual tally sheet totals from the hand-counted ballots.

### **§ 2602g. [Repealed]**

### **§ 2602h. Completing the tally**

(a) The county clerk shall return all ballots to their container, seal the container, record the seal number on the summary sheet, and write “recounted” and specify the date of the recount on the tag.

(b) In the presence of the clerk observer team, the county clerk shall add together the hand count and vote tabulator totals for each town, as recorded on the tally sheets and vote tabulator tape submitted to him or her, record those totals on the summary sheet for that town, and affix his or her seal to that summary sheet.

(c)(1) The county clerk shall compare the number of ballots recounted for that town with the number of ballots counted at the town as reported on the official return of votes, and with the number of voters who voted at that town according to the checklist examination, as applicable under section 2602d of this subchapter and recorded by the county clerk on the summary sheet in accordance with that section.

(2) If these numbers differ, the county clerk shall note the amount of the difference on the summary sheets for that town.

(d) If there is more than one town subject to the recount:

(1) This process shall be repeated for each town; and

(2) once all towns have been recounted, the county clerk shall add together the totals from each town and record the total for all towns on a master summary sheet and affix his or her seal to that sheet.

(e) The county clerk shall send the summary sheets for all towns together with any master summary sheet, the ballots marked defective or contained in a defective ballot envelope, and any original ballots containing questionable votes to the court and obtain a receipt for that delivery.

#### **§ 2602i. Costs**

(a) Recount committee members and assistants designated by the county clerk shall be paid by the State at the same per diem and mileage rates and according to the same procedures by which jurors are paid.

(b)(1) These and other necessary expenses, as approved by the court, shall be paid by the State through the Court Administrator's Office.

(2) The Secretary of State shall bear the costs of recounts conducted under this subchapter and shall reimburse the Court Administrator's Office.

#### **§ 2602j. Court hearing and judgment**

(a) [Repealed]

(b) [Repealed]

(c) Candidates and their attorneys shall be given the opportunity to present evidence to the court relating to the conduct of the recount, how to count questionable votes, the marking of any ballot as defective in accordance with section 2547 or subsection 2587(d) of this title.

(d) On the day of the hearing, the town clerk of any town subject to the recount shall be available in person or by telephone to answer any questions regarding the town's election.

(e) If the court determines that any violations of recount procedures have occurred and that they may have affected the outcome of the recount, a new recount shall be ordered.

(f) After such hearings or arguments as may be indicated under the circumstances and after it has made a final decision on any questionable votes or defective ballots, the Superior Court, within five working days, shall:

(1) issue a judgment, which shall supersede any certificate of election previously issued;

(2) send a certified copy of the judgement to the Secretary of State; and

(3) return to the county clerk any ballots containing questionable votes and defective ballots that had been forwarded to the court.

### **§ 2602k. Recount ties**

(a)(1) If a recount of a primary election results in a tie, the provisions of subsection 2369(b) of this title shall apply.

(2) If a recount of a public question results in a tie, a runoff election shall not be held, and the question shall be certified not to have passed.

(3) If a recount of a general election results in a tie, the provisions of this section shall apply, and the court shall order a runoff election to be held, within three weeks of the recount, on a date set by the court.

(b) The only candidates who shall appear on the ballot at the runoff election shall be those who tied in the previous election.

(c) The runoff election shall be considered a separate election for the purpose of voter registration under chapter 43 of this title.

(d) [repealed]

(e) Warnings for a runoff election shall be posted as required by subchapter 5 of this chapter, except that the warnings shall be posted not less than 10 days before the runoff election.

(f) The conduct of a runoff election shall be as provided in this chapter for general elections.

### **§ 2602l. [Repealed]**

### **§ 2602m. Storage and return of election materials**

(a)(1) After the recount, the county clerk shall store the sealed containers and any other recount materials in the county clerk's vault until returned to the towns.

(2) The county clerk shall release all containers to the respective town clerks after the issuance of the court's judgment, together with a copy of the judgment.

(3) The respective town clerks or their designees shall transport the containers to the towns from which they came.

(b) Upon receiving from the court any ballots containing questionable votes and defective ballots, the county clerk shall keep them in a sealed container for a period of two years.

### **§ 2603. Contest of elections**

(a) The result of an election for any office, other than for the general assembly, or public question may be contested by any legal voter entitled to vote on the office or public question to be contested.

(b) A contest is initiated by filing a complaint with a superior court alleging:

(1) that errors were committed in the conduct of the election or in count or return of votes, sufficient to change the ultimate result;

(2) that there was fraud in the electoral process, sufficient to change the ultimate result; or

(3) that for any other reason, the result of the election is not valid.

(c) The complaint shall be filed within 15 days after the election in question, or if there is a recount, within 10 days after the court issues its judgment on the recount. In the case of candidates for state or congressional office, for a presidential election, or for a statewide public question, the complaint shall be filed with the civil division of the superior court, Washington County. In the case of any other candidate or public question, the complaint shall be filed with the superior court in any county in which votes were cast for the office or question being challenged.

(d) The Vermont Rules of Civil Procedure shall apply to contests of elections, except that such cases shall be placed upon a special calendar, and hearings shall be scheduled on a priority basis, as public policy demands that such questions be resolved promptly.

(e) After hearing, the court shall issue findings of fact and a judgment, which shall supersede any certificate of election previously issued. If the court finds just cause, the court shall grant appropriate relief, which may include, without limitation, ordering a recount, or ordering a new election. If during the hearing the court receives credible evidence of criminal conduct, the court shall order a transcript of all or part of the testimony to be forwarded to the proper state's attorney. If a new election is ordered, the court shall set a date for it, after consulting with the secretary of state; in ordering a new election, the court shall have authority to issue appropriate orders, either to provide for special cases not covered by law, or to supersede provisions of law which may conflict with the needs of the particular situation.

(f) The court shall send a certified copy of its findings of fact and judgment to the secretary of state.

#### **§ 2604. [Repealed]**

#### **§ 2605. House of representatives**

(a) A candidate for the office of Representative to the General Assembly in the general election, or any elected town officer in the representative district, or any 25 voters in the representative district may request the House of Representatives to exercise its constitutional authority to judge the elections and qualifications of its own members, by filing a written request with the Secretary of State specifying the candidate or candidates whose election is being challenged. The request must be filed not later than the latest of the following:

(1) 20 days after the date of the election; or

(2) 10 days after a final court judgment, if there is a recount under section 2602 of this title;

(b)(1) The Secretary of State shall notify the Attorney General, who shall investigate the facts, take such depositions as may be necessary, prepare an opinion on the law and facts, and send his or her report and opinion to the Clerk of the House at least 10 days before the General Assembly convenes.

(2) If the Attorney General needs additional time to conduct the investigation or prepare the report and opinion required by this subsection, he or she shall alert the Secretary of the Senate of that need and the date by which he or she plans to submit the report and opinion.

#### **§ 2606. Senate**

(a) A candidate for the office of State Senator in the general election or any 100 voters in the senatorial district may request the Senate to exercise its constitutional authority to judge the elections and qualifications of its own members by filing a written request with the Secretary of State specifying the candidate or candidates whose election is being challenged. The request must be filed not later than the latest of the following:

(1) 20 days after the date of the election; or

(2) 10 days after a final court judgment, if there is a recount under section 2602 of this title;

(b)(1) The Secretary of State shall notify the Attorney General, who shall investigate the facts, take such depositions as may be necessary, prepare an opinion on the law and facts, and send his

or her report and opinion to the Secretary of the Senate at least 10 days before the General Assembly convenes.

(2) If the Attorney General needs additional time to conduct the investigation or prepare the report and opinion required by this subsection, he or she shall alert the Secretary of the Senate of that need and the date by which he or she plans to submit the report and opinion

#### **§ 2607. Canvassing committee**

The canvassing committee for state and national offices shall meet at 10:00 a.m. one week after the day of election to certify the results of the presidential primary. The chair of each major political party shall be given a copy of the official certificate of votes for the election.

### **Subchapter X: Jurisdiction Of Courts**

#### **§ 2616. Jurisdiction to prosecute criminal offenses**

The state's attorney in any county in which all or a part of any violation of this title was committed shall have authority to prosecute such violations. The prosecution shall be conducted before the Vermont criminal division of the superior court.

#### **§ 2617. Jurisdiction of superior courts**

In all cases for which no other provision has been made, the superior court shall have general jurisdiction to hear and determine matters relating to elections and to fashion appropriate relief.

## **CHAPTER 53: VACANCIES**

#### **§ 2621. Vacancy in office of US senator or representative**

(a) If a vacancy occurs in the office of U.S. Senator or U.S. Representative, the Governor shall call a special election to fill the vacancy. His or her proclamation shall specify a day for the special election and a day for a special primary, pursuant to section 2352 of this title.

(b) The special election shall be held not more than six months from the date the vacancy occurs, except that if the vacancy occurs within six months of a general election, the special election may

be held the same day as the general election provided the ballots for the special election are able to be distributed by the deadline set forth in section 2479 of this title.

### **§ 2622. Interim appointment of United States senator**

The governor may make an interim appointment to fill a vacancy in the office of United States senator, pending the filling of the vacancy by special election.

### **§ 2623. Vacancies in offices within this State**

(a) In the event of a vacancy in any State, county, or legislative office, the Governor may request the political party or parties of the person whose death or resignation created the vacancy to submit one or more recommendations as to a successor. The proper committee to which a request for recommendation shall be directed shall be:

(1) for State officers, the State committee;

(2) for county officers, except justices of the peace and Probate judges, the county committee;

(3) for State Senator, the senatorial district committee;

(4) for State Representative, the representative district committee;

(5) for justice of the peace, the town committee;

(6) for Probate judge, the probate district committee.

(b) The Governor may appoint a qualified person to fill the vacancy for the remaining portion of the term, whether or not the appointee is recommended by the party committee.

## **CHAPTER 55: LOCAL ELECTIONS**

### **Subchapter I: Scope**

#### **§ 2630. Applicability**

Except as otherwise provided, and to the extent that such a construction would be reasonable, the provisions of this title shall apply to this chapter.

## **§ 2631. Municipal charters**

(a) Unless otherwise provided by law, when the charter of a municipality provides for procedures other than those established by law, the provisions of that charter shall prevail.

(b) Except as provided in subsection (a) of this section, all provisions of law relating to a municipality shall apply to such a municipality with a charter.

## **Subchapter II: Town Meetings and Local Elections In General**

### **§ 2640. Annual meetings**

(a) A meeting of the legal voters of each town shall be held annually on the first Tuesday of March for the election of officers and the transaction of other business, and it may be adjourned to another date. When a municipality fails to hold an annual meeting, a warning for a subsequent meeting shall be issued immediately, and at that meeting all the officers required by law may be elected and its business transacted.

(b) When a town so votes, it may thereafter start its annual meeting on any of the three days immediately preceding the first Tuesday in March at such time as it elects and may transact at that time any business not involving voting by Australian ballot or voting required by law to be by ballot and to be held on the first Tuesday in March. A meeting so started shall be adjourned until the first Tuesday in March.

(c)(1) Notwithstanding section 2508 of this title, public discussion of ballot issues and all other issues appearing in the warning, other than election of candidates, shall be permitted at the annual meeting, regardless of the location of the polling place.

(2) Notwithstanding the provisions of subdivision (1) of this subsection, a candidate for local office nominated from the floor at annual meeting may introduce his or her candidacy to the extent permitted by the voters at the meeting.

### **§ 2640a. Representative annual meetings**

(a) A municipality with a population of 5,000 or greater may vote at a special or annual town meeting to establish a representative form of annual or special meeting.

(b)(1) A representative form of annual or special meeting is a meeting of members elected by district to exercise the powers vested in the voters of the town to act upon articles. However, the election of officers, public questions, and all articles to be voted upon by Australian ballot as

required by law or as voted under section 2680 of this title at a prior annual or special meeting, and reconsideration of articles under section 2661 of this title shall remain vested in the voters of the town.

(2) An organizational resolution to adopt a representative form of annual or special meeting may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. An official copy of the organizational resolution shall be filed in the office of the clerk of the municipality at least 10 days before the annual or special meeting at which the vote whether to adopt the organizational resolution shall take place, and copies thereof shall be made available to members of the public upon request.

(3) An organizational resolution shall include the following:

(A) a certain number of elected members, a range of elected members, or a ratio of elected members to the number of voters. However, in no case shall the number of elected members be less than 100;

(B) a certain number of districts and the boundaries of those districts;

(C) who shall be ex officio voting members, if any, of the meeting;

(D) the procedure for conducting the representative meeting;

(E) specific action, if any, to be taken at the representative meeting; and

(F) a procedure whereby the voters of the municipality may reconsider any action taken at a representative meeting.

(c) The form of the question of whether to establish a representative form of annual or special meeting shall be substantially as follows: "Shall the name of municipality] adopt the representative form of annual or special meeting as set forth in the organizational resolution?"

(d) A vote establishing a representative form of annual or special meeting shall remain in effect until the municipality votes to discontinue or establish a new representative form of annual or special meeting at an annual or special meeting duly warned for that purpose.

#### **§ 2641. Warning and notice required; publication of warnings**

(a) The legislative body of a municipality shall warn a meeting by posting a warning and notice in at least two public places in the municipality, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a municipality has more than one polling place and the polling places are not all in the same building, the warning and notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(b) In addition, the warning shall be published in a newspaper of general circulation in the municipality at least five days before the meeting, unless the warning is published in the town report and distributed as provided in 24 V.S.A. § 1682. The legislative body annually shall designate the paper in which such a warning may be published. The warning shall also be posted on the municipality's website, if the municipality actively updates its website on a regular basis.

(c) No such warning shall be required for municipal informational meetings at which no voting is to take place.

### **§ 2642. Warning and notice contents**

(a)(1) The warning shall include the date and time of the election, location of the polling place or places, and the nature of the meeting or election.

(2) It shall, by separate articles, specifically indicate the business to be transacted, to include the offices and the questions to be voted upon.

(3)(A) The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than 47 days before the day of the meeting.

(B) The clerk receiving the petitions shall immediately proceed to examine them to ascertain whether they contain the required number of signatures of registered voters set forth in subdivision (A) of this subdivision (3). If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt, he or she shall return it to the petitioners. In this case, supplementary petitions may be filed not later than 48 hours after the petition was returned to the petitioners by the clerk or the filing deadline set forth in subdivision

(A) of this subdivision (3), whichever is later. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) of this subdivision (3) were not filed by the filing deadline.

(C) A petition submitted under this subdivision (3):

(i) may include more than one proposed article;

(ii) shall contain the petition language on each page on which signatures are collected; and

(iii) shall include the printed name, signature, and street address of each voter who signed the petition.

(D) A voter may withdraw his or her name from a petitioned article at any time prior to the signing of the warning by a majority of the legislative body.

(b) The posted notice that accompanies the warning shall include information on voter registration, information on early or absentee voting where applicable, and other appropriate information.

### **§ 2643. Special meetings**

(a) The legislative body may warn a special municipal meeting when it deems it necessary and shall call a special meeting on the application of five percent of the voters. A special meeting shall be warned within 60 days of receipt of the application by the municipal clerk. A voter may withdraw his or her name from a petition for a special meeting at any time prior to the signing of the warning by a majority of the legislative body.

(b) [Repealed.]

(c) The legislative body may rescind the call of a special meeting called by them but not a special meeting called on application of five percent of the voters.

### **§ 2644. Warnings**

The original warning for each municipal meeting shall be signed by a majority of the legislative body and shall be filed with the clerk and recorded before being posted. When all positions on the legislative body are vacant, warnings may be signed by the clerk.

### **§ 2645. Charters: Adoption, repeal or amendment, procedure**

(a) A municipality may propose to the General Assembly to adopt, repeal, or amend its charter by majority vote of the legal voters of the municipality present and voting at any annual or special meeting warned for that purpose in accordance with the following procedure:

(1) A proposal to adopt, repeal, or amend a municipal charter (charter proposal) may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality.

(2) An official copy of the charter proposal shall be filed as a public record in the office of the clerk of the municipality at least 10 days before the first public hearing. The clerk shall certify the date on which he or she received the official copy, and the dated copies thereof shall be made available to members of the public upon request.

(3)(A) The legislative body of the municipality shall hold at least two public hearings prior to the meeting to vote on the charter proposal.

(B)The first public hearing shall be held in accordance with subdivision (a)(2) of this section and at least 30 days before the vote.

(4) (A) If the charter proposal is made by the legislative body, the legislative body may revise the proposal as a result of suggestions and recommendations made at a public hearing, but in no event shall such revisions be made less than 20 days before the date of the meeting to vote on the charter proposal.

(B) If revisions are made, the legislative body shall post a notice of these revisions in the same places as the warning for the meeting not less than 20 days before the date of the meeting and shall attach such revisions to the official copy kept on file for public inspection in the office of the clerk of the municipality.

(5)(A) If the charter proposal is made by petition, the second public hearing shall be held no later than 10 days after the first public hearing. The legislative body shall not have the authority to revise a charter proposal made by petition.

(B) After the warning and hearing requirements of this section are satisfied, the petitioned charter proposal shall be submitted to the voters at the next annual meeting, primary, or general election in the form in which it was filed, except that the legislative body may make technical corrections.

(6)(A) Notice of each public hearing and of the annual or special meeting shall be given in accordance with section 2641 of this chapter.

(B)(i) Each notice shall specify the charter sections to be adopted, repealed, or amended, setting out those sections in the amended form, with deleted matter struck through and new matter underlined.

(ii) If the legislative body of the municipality determines that the charter proposal is too long or unwieldy to set out in amended form, the notice shall include a concise summary of the charter proposal and shall state that an official copy of the charter proposal is on file for public inspection in the office of the clerk of the municipality and that copies thereof shall be made available to members of the public upon request.

(7)(A) Voting on a charter proposal shall be by Australian ballot.

(B)(i) The ballot shall show each charter section to be adopted, repealed, or amended in the amended form, with deleted matter struck through and new matter underlined, and shall permit the voter to vote on each separate proposal contained within the charter proposal.

(ii) If the legislative body determines that the charter proposal is too long or unwieldy to be shown in the amended form, voters shall be permitted to vote upon each separate proposal in its entirety in the form of a yes or no proposition.

(C) An official copy of the charter proposal shall be posted conspicuously in each ballot booth for inspection by the voters during the balloting.

(b)(1) The clerk of the municipality, under the direction of the legislative body, shall announce and post the results of the vote immediately after the vote is counted.

(2)The clerk, within 10 days after the day of the meeting, shall certify to the Secretary of State each separate proposal contained within the charter proposal, showing the facts as to its origin and the procedure followed, which shall include:

(A)(i) If the charter proposal was made by the legislative body, the minutes recorded by the legislative body that detail the origins and intent of each separate proposal;

(ii) If the charter proposal was made by voter petition, the body of the petition and evidence of the required number of petition signatures;

(B) A copy of the official certified copy of the charter proposal filed with the clerk of the municipality pursuant to subdivision (a)(2) of this section;

(C) Copies of the warnings and published notices for each of the public hearings held pursuant to subdivision (a)(3) of this section;

(D) Minutes recorded by the legislative body that detail each of the public hearings pursuant to subdivision (a)(3) of this section;

(E) Copies of warnings and published notices for the meeting to vote on the charter proposal; and

(F) A copy of the ballot and the results of the vote or votes on the charter proposal.

(c) After confirming that the clerk of the municipality has certified each of the documents listed in subdivision (b)(2) of this section, the Secretary of State shall file the certificate and deliver copies of it to the Attorney General, the Clerk of the House, the Secretary of the Senate, and the chairs of the committees concerned with municipal charters of both houses of the General Assembly.

(d) The charter proposal shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the General Assembly.

### **§ 2645a Chartered municipalities; vote to suspend charter authority and rely on general municipal law**

(a) A municipality may propose to suspend for not more than three years specific authority granted in the municipality's charter and instead use later-enacted general municipal authority

granted to all Vermont municipalities by the General Assembly, provided that the proposal is approved by the voters at any annual or special meeting warned for that purpose.

(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall specifically identify and contain the later-enacted general law that the municipality proposes to use in lieu of the charter provision.

(c) If the proposal is approved by a majority of voters at an annual or special meeting warned for that purpose, then the municipal clerk shall certify the results of the vote to the House and Senate Committees on Government Operations.

(d) Annually on or before November 15, the Office of Legislative Counsel shall prepare a list of the charter provisions that are subject to a repeal review pursuant to this section

### **§ 2646. Town officers; qualification; election**

At the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen, unless otherwise provided by law:

(1) A moderator.

(2) A town clerk, unless the town has voted to authorize the selectboard to appoint the town clerk as provided in section 2651e of this chapter. The term of office for a town clerk shall be for one year, unless a town votes that the clerk shall be elected for a term of three years. When a town votes for a three-year term for the office of town clerk, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(3) A town treasurer, unless the town has voted to authorize the selectboard to appoint the treasurer as provided in section 2651f of this chapter. The term of office of a town treasurer shall be for one year, unless a town votes that a town treasurer shall be elected for a term of three years. When a town votes for a three-year term for the office of town treasurer, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(4) One selectboard member for a term of three years who shall be elected by ballot.

(5) One lister for a term of three years who shall be elected by ballot, unless the town has voted to eliminate the office of lister in accordance with the provisions of section 2651c of this chapter.

(6) One auditor for the term of three years who shall be elected by ballot, unless the town has voted to eliminate the office of auditor in accordance with the provisions of section 2651b of this chapter.

(7) A first constable, and if needed a second constable, unless the town has voted to authorize the selectboard to appoint constables as provided in section 2651a of this chapter. The terms of office of the first and second constable elected or appointed shall be for one year unless a town votes that they shall be elected or appointed for terms of two years. When a town votes for a two-year term for the offices of first and second constable, the two-year terms shall remain in effect until the town rescinds them by a majority vote of the legal voters voting at an annual meeting, duly warned for that purpose.

(8) [Repealed.]

(9) A collector of delinquent taxes, if the town so votes, for a term of one year unless a town votes that a collector of delinquent taxes shall be elected for a term of three years. When a town votes for a three-year term for the collector of delinquent taxes, that three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(10) [Repealed]

(11) A town agent to prosecute and defend suits in which the town or town school district is interested.

(12) A trustee of public funds if the town so votes.

(13) A trustee of public money, but only in towns that retain possession of a portion of the surplus funds of the United States received under the Act of 1836.

(14) A cemetery commissioner if the town so votes.

(15) One or more patrol officers to patrol town highways under the direction of the selectboard, if the town so votes.

(16) One or two road commissioners who shall be elected by ballot if the town so votes; otherwise they shall be appointed by the selectboard as provided in section 2651 of this chapter. The road commissioners shall be elected for a term of one year unless a town votes that the commissioners shall be elected for a term of two or three years. When a town votes for a two-year or three-year term for the office of road commissioner, that two-year or three-year term shall remain in effect until the town rescinds it by the majority vote of the legal voters present and voting at an annual meeting, duly warned for that purpose.

(17) Three water commissioners unless the town votes to elect additional selectboard members, in which case the number of water commissioners shall, at the discretion of the selectboard members, be the same as the number of members that comprise the selectboard. The commissioners shall be elected by ballot if the town so votes; otherwise they shall be appointed by the selectboard as provided in section 2651 of this chapter.

(18) Five members of an advisory budget committee, if the town so votes, unless the town votes to elect additional advisory budget committee members. The advisory budget committee members shall be elected by ballot, unless the town votes to have those members appointed by the selectboard.

#### **§ 2646a. Town officers; town vote to allow election of nonresidents**

(a)(1) Notwithstanding section 2646 of this subchapter, a municipality may propose to allow individuals who are residents of the State, but not residents of the municipality, to be elected or appointed town officers. However, this section shall not apply to members of the legislative body of the municipality or justices of the peace. For the municipality's boards or commissions that are established by State law and are required to be composed of residents, the majority of the members of the boards or commissions shall be residents of the municipality.

(2) The proposal must be approved by the voters at any annual or special meeting warned for that purpose.

(b) The proposal may be made by the legislative body of the municipality or by petition of five percent of the voters of the municipality. The proposal shall identify the town office that may be filled by a nonresident.

#### **§ 2647. Incompatible offices**

(a)(1) An auditor shall not be town clerk, town treasurer, selectboard member, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner, cemetery commissioner, or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of official duties be eligible to hold office as auditor.

(2) A selectboard member or school director shall not be first constable, collector of taxes, town treasurer, assistant town treasurer, auditor, or town agent. A selectboard member shall not be lister or assessor.

(3) A cemetery commissioner or a library trustee shall not be town treasurer, assistant town treasurer, or auditor.

(4) A town manager shall not hold any elective office in that town or town school district.

(5) Election officers at local elections shall be disqualified as provided in section 2456 of this title.

(b) Notwithstanding subsection (a) of this section, if a school district prepares and reports its budget independently from the budget of the town and the school district is audited by an independent public accountant, a school director or spouse of a school director shall be eligible to hold office as auditor or town treasurer.

## **§ 2648. Exceptions**

Section 2647 of this title shall not apply to towns having not more than 25 legal voters, but in these towns an auditor shall not audit his or her own accounts kept and rendered in some other official capacity, nor shall the husband or wife of any town official audit his or her spouse's official accounts.

## **§ 2649. Number of officers**

(a)(1) Each town shall have:

(A) three selectboard members, unless additional selectboard members are elected under the provisions of section 2650 of this chapter;

(B) three listers, unless additional listers are elected under the provisions of section 2650 of this chapter or the town has voted to eliminate the office of lister under the provisions of section 2651c of this chapter; and

(C) three auditors, unless the town has voted to eliminate the office of auditor under the provisions of section 2651b of this chapter.

(2) Except as otherwise provided, at each annual meeting, one selectboard member, one lister, and one auditor shall be elected, each for a term of three years.

(b) A town so voting may elect one or two road commissioners for a term of one, two, or three years, as provided in section 2646 of this chapter.

(c) A town so voting may elect three water commissioners. The terms of the water commissioners shall be the same as those of selectboard members under sections 2646 and 2650 of this chapter, except that of those commissioners first elected, one shall have a term of one year, one a term of two years, and one a term of three years. One or two additional water commissioners may be authorized for one- or two-year terms as provided in subsection 2650(b) of this chapter relating to additional selectboard members.

## **§ 2650. Additional listers and Selectboard members**

(a) Additional listers. A town may vote at a special or annual town meeting to elect two additional listers for terms of one year each.

(b) Additional selectboard members.

(1)(A) A town may vote at a special or annual town meeting to elect two additional selectboard members for terms of either one or two years each.

(B) When the terms of the additional selectboard members are to be for two years, the warning for the meeting shall so specify.

(2)(A) If two additional selectboard member positions are created, they shall be for terms of the same length, but if the terms of the new positions are to be for two years, when the additional selectboard members are first elected, one shall be elected for one year and the other selectboard member for two years.

(B) Terms of these additional selectboard members shall end on annual meeting days. If the additional selectboard members are elected at a special meeting the term of those elected for one year shall expire on the next annual meeting day and those elected for two years shall expire on the second annual meeting day following their election.

(c) Discontinuing additional listers or selectboard members.

(1) A vote establishing additional listers or selectboard members shall remain in effect until the town votes to discontinue the two additional positions at an annual or special meeting duly warned for that purpose.

(2) The term of office of any lister or selectboard member in office on the date a town votes to discontinue that office shall expire on the 31st day after the vote, unless a petition for reconsideration or rescission of that vote is filed with the clerk of the municipality in accordance with section 2661 of this chapter, in which case that section shall control.

### **§ 2651. Road and water commissioners; appointment, removal**

(a) Unless the town votes to elect road commissioners, the selectmen shall appoint forthwith one or two road commissioners and may remove from office a road commissioner appointed by them, for just cause after due notice and hearing. The selectmen may appoint one or two members of their own board to serve as road commissioners.

(b) Unless the town votes to elect water commissioners, the selectboard shall appoint forthwith no less than three nor more than five water commissioners, unless there is no existing, or prospective, municipal water system for such commissioners to supervise. The selectboard may remove an appointed water commissioner from office for just cause after due notice and hearing. The selectboard may appoint members of their own board to serve as water commissioners.

### **§ 2651a. Constables; appointment; removal; elimination of office**

(a)(1) A town may vote by Australian ballot at an annual meeting to authorize the selectboard to appoint a first constable, and if needed a second constable, in which case at least a first constable shall be appointed.

(2) A constable so appointed may be removed by the selectboard for just cause after notice and hearing.

(3) When a town votes to authorize the selectboard to appoint constables, the selectboard's authority to make such appointments shall remain in effect until the town rescinds that authority by the majority vote of the registered voters present and voting at an annual meeting, duly warned for that purpose.

(b) Notwithstanding the provisions of subsection (a) to the contrary, a vote to authorize the selectboard to appoint constables shall become effective only upon a two-thirds vote of those present and voting, if a written protest against the authorization is filed with the selectboard at least 15 days before the vote by at least five percent of the voters of the town.

(c) The authority to authorize the selectboard to appoint the constable as provided in this section shall extend to all towns except those that have a charter that specifically provides for the election or appointment of the office of constable.

(d)(1) A town may vote at an annual meeting to eliminate the office of constable.

(2) If a town votes to eliminate the office of constable, the selectboard shall appoint a town officer to discharge the constable's duties, if any, subject to 24 V.S.A. § 1936a. The town officer shall proceed in the discharge of the constable's duties in the same manner and be subject to the same liabilities as are established by law for constables.

(3) A vote to eliminate the office of constable shall remain in effect until rescinded by majority vote of the registered voters present and voting at an annual meeting warned for that purpose.

(4) The term of office of any constable in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints a town officer under this subsection, whichever occurs first.

### **§ 2651b. Elimination of office of auditor; appointment of public accountant**

(a)(1) A town may vote by ballot at an annual meeting to eliminate the office of town auditor.

(2)(A) If a town votes to eliminate the office of town auditor, the selectboard shall contract with a public accountant, licensed in this State, to perform an annual financial audit of all funds of the town except the funds audited pursuant to 16 V.S.A. § 323.

(B) Unless otherwise provided by law, the selectboard shall provide for all other auditor's duties to be performed.

(3) A vote to eliminate the office of town auditor shall remain in effect until rescinded by majority vote of the registered voters present and voting, by ballot, at an annual meeting duly warned for that purpose.

(b) The term of office of any auditor in office on the date a town votes to eliminate that office shall expire on the 45th day after such vote or on the date upon which the selectboard enters into a contract with a public accountant under this section, whichever occurs first.

(c) The authority to vote to eliminate the office of town auditor as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of town auditor.

### **§ 2651c. Lack of elected lister; appointment of lister; elimination of office**

(a)(1) Notwithstanding any other provisions of law to the contrary and except as provided in subsection (b) of this section, in the event the board of listers of a town falls below a majority and the selectboard is unable to find a person or persons to appoint as a lister or listers under the provisions of 24 V.S.A. § 963, the selectboard may appoint an assessor to perform the duties of a lister as set forth in Title 32 until the next annual meeting.

(2) The appointed person need not be a resident of the town and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the town.

(b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister.

(2)(A) If a town votes to eliminate the office of lister, the selectboard shall contract with or employ a professionally qualified assessor, who need not be a resident of the town.

(B) The assessor shall have the same powers, discharge the same duties, proceed in the discharge thereof in the same manner, and be subject to the same liabilities as are prescribed for listers or the board of listers under the provisions of Title 32.

3) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the registered voters present and voting at an annual meeting warned for that purpose.

(c) The term of office of any lister in office on the date a town votes to eliminate that office shall expire on the 45th day after the vote or on the date upon which the selectboard appoints an assessor under this subsection, whichever occurs first.

(d) The authority to vote to eliminate the office of lister as provided in this section shall extend to all towns except those towns that have a charter that specifically provides for the election or appointment of the office of lister.

### **§ 2651d. Collector of delinquent taxes; appointment; removal**

(a)(1) A municipality may vote at an annual or special municipal meeting to authorize the legislative body to appoint a collector of delinquent taxes, who may be the municipal treasurer.

(2) A collector of delinquent taxes so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) When a municipality votes to authorize the legislative body to appoint a collector of delinquent taxes, the legislative body's authority to make such appointment shall remain in effect until the municipality rescinds that authority by the majority vote of the registered voters present and voting at an annual or special meeting, duly warned for that purpose.

### **§ 2651e Municipal clerk; appointment, removal**

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal clerk.

(2) A municipal clerk so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the municipal clerk shall remain in effect until rescinded by the majority vote of the registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a municipal clerk in office on the date a municipality votes to allow the legislative body to appoint a municipal clerk shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a municipal clerk under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the municipal clerk as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the office of municipal clerk.

### **§ 2651f. Municipal treasurer; appointment, removal**

(a)(1) A municipality may vote at an annual meeting to authorize the legislative body to appoint the municipal treasurer.

(2) A treasurer so appointed may be removed by the legislative body for just cause after notice and hearing.

(b) A vote to authorize the legislative body to appoint the treasurer shall remain in effect until rescinded by the majority vote of the registered voters present and voting at an annual or special meeting, duly warned for that purpose.

(c) The term of office of a treasurer in office on the date a municipality votes to allow the legislative body to appoint a treasurer shall expire 45 calendar days after the vote or on the date upon which the legislative body appoints a treasurer under this section, whichever occurs first, unless a petition for reconsideration or rescission is filed in accordance with section 2661 of this title.

(d) The authority to authorize the legislative body to appoint the treasurer as provided in this section shall extend to all municipalities except those that have a charter that specifically provides for the election or appointment of the municipal treasurer.

#### **§ 2652. Road and water commissioners**

The selectboard may and, when requested by at least five percent of the legal voters of a town at least 47 days prior to the annual town meeting, it shall insert in the warning for the annual town meeting an article on the question of whether the town shall elect a road commissioner or commissioners, or water commissioners, as provided in section 2651 of this chapter.

#### **§ 2653. Acceptance of office**

A person present at the meeting electing him or her to municipal office shall be treated as accepting, unless he or she declines before the meeting is adjourned. When not present, he or she shall be served as soon as possible with a written notice, signed by the clerk and served by the constable.

#### **§ 2654. Refusal to serve**

A person may refuse to accept election or appointment to any municipal office.

#### **§ 2655. Time of meeting**

Annual municipal business meetings shall begin at the time set by the legislative body, unless the municipality has voted otherwise at a preceding meeting.

#### **§ 2656. Qualification and registration of voters**

Regardless of the type of voting used, the qualifications to vote in any municipal election shall be as provided in chapter 43 of this title and all municipalities shall revise and post checklists as provided in chapter 43 of this title prior to any municipal meeting at which there will be voting. The presiding officer shall follow reasonable and necessary procedures to ensure that persons who are not voters of the town do not vote.

#### **§ 2657. Moderator**

A municipal meeting shall be called to order by the moderator, or in his or her absence by a selectman who shall preside until a moderator pro tempore is chosen.

### **§ 2658. Duties**

The moderator shall be the presiding officer of municipal meetings, shall decide questions of order and shall make public declaration of votes taken, except in elections using the Australian ballot system. When a vote declared by him or her is immediately questioned by one voter, he or she shall divide the meeting, and if requested by seven voters, shall cause the vote to be taken by paper ballot, unless the town has provided some other procedure in such cases. Robert's Rules or some other rules of order shall govern all municipal meetings, except in elections using the Australian ballot system.

### **§ 2659. Preservation of order**

The moderator shall preserve order in the conduct of business and in debate. If a person, after notice, is persistently disorderly and refuses to withdraw from the meeting, the moderator may cause him or her to be removed, calling upon the constable or other person for that purpose. A person who so refuses to withdraw when ordered so to do shall be fined not more than \$200.00.

### **§ 2660. Conduct of election**

(a) When voting is at a floor meeting by paper ballot, the polls shall be kept open a reasonable time and reasonable notice shall be given before they close.

(b) When election is by ballot, a majority of all votes cast for any office shall be required for an election, unless otherwise provided by law; provided that when there is but one nominee for an office, unless objection is made, the legal voters may vote to instruct the town clerk to cast one ballot for such nominee and upon such ballot being cast he or she shall be declared elected.

(c) If no person has obtained a majority by the end of the third vote, the moderator shall announce that the person receiving the least number of votes in the last vote and in each succeeding vote shall no longer be a candidate, and the voting shall continue until a candidate receives a majority.

(d) The article entitled "other business" shall not be used for taking binding municipal action, and the moderator shall so rule.

### **§ 2661. Reconsideration or rescission of vote**

(a) A warned article voted on at an annual or special meeting of a municipality shall not be submitted to the voters for reconsideration or rescission at the same meeting after the assembly has begun consideration of another article. If the voters have begun consideration of another article, the original article may only be submitted to the voters at a subsequent annual or special meeting duly warned for the purpose and called by the legislative body on its own motion or pursuant to a petition requesting such reconsideration or rescission signed and submitted in accordance with subsection (b) of this section. A vote taken at an annual or special meeting shall remain in effect unless rescinded or amended.

(b) If a petition requesting reconsideration or rescission of a question considered or voted on at a previous annual or special meeting is filed with the clerk of the municipality within 30 days following the date of that meeting, the legislative body shall provide for a vote by the municipality in accordance with the petition within 60 days of the submission at an annual or special meeting duly warned for that purpose. The number of signatures required for a petition for reconsideration or rescission shall be not less than five percent of the registered voters unless the voters of the municipality increase that percentage pursuant to the following:

(1) At a meeting duly warned for the purpose, the voters of a municipality may require that a petition for reconsideration be signed by a percentage of registered voters that is not less than five percent nor greater than 20 percent.

(2) A vote to increase the percentage of voters required to sign a petition for reconsideration or rescission to up to 20 percent shall be in substantially the following form: "Shall the (name of municipality) increase the percentage of voters required on a petition for reconsideration or rescission from five to (up to 20) percent?"

(3) Once the voters of a municipality have voted to require a new percentage that percentage shall remain in effect until the voters of the municipality vote to change the percentage.

(c) A question voted on shall not be presented for reconsideration or rescission at more than one subsequent meeting within a one-year period, except with the approval of the legislative body.

(d) For a vote by Australian ballot:

(1) the form of the ballot shall be as follows: "Article 1: cite the article to be reconsidered as lastly voted]."

(2) absentee ballots for the reconsideration or rescission vote shall be sent to any voter who requested an absentee ballot for the initial vote on the article to be reconsidered or rescinded, whether or not a separate request for an absentee ballot for the reconsideration or rescission vote is submitted by the voter.

(e) A majority vote in favor of reconsideration or rescission, of a question voted on by paper or Australian ballot, shall not be effective unless the number of votes cast in favor of reconsideration or rescission exceeds two-thirds of the number of votes cast for the prevailing side at the original meeting unless the voters of the municipality approve a different percentage pursuant to the following:

(1) At a meeting duly warned for the purpose, the voters of a municipality may require that a vote in favor of reconsideration or rescission shall not be effective unless the number of votes cast in favor of reconsideration or rescission exceeds a certain percentage of the number of votes cast for the prevailing side at the original meeting.

(2) A vote to increase or decrease the percentage shall be in substantially the following form: "Shall the (name of municipality) change the percentage of votes cast in favor of reconsideration or rescission required for a vote to reconsider or rescind a question considered or voted on at a previous annual or special meeting to be effective to (percentage)?"

(3) Once the voters of a municipality have voted to require a new percentage that percentage shall remain in effect until the voters of the municipality vote to change the percentage.

(f) A municipality shall not reconsider a vote to elect a local officer.

(g) This section shall not apply to nonbinding advisory articles, which shall not be subject to reconsideration or rescission.

### **§ 2662. Validation of municipal meetings**

When any of the requirements as to notice or warning of an annual or special municipal meeting have been omitted or not complied with, the omission or noncompliance, if the meeting and the business transacted at it is otherwise legal and within the scope of the municipal powers, may be corrected and legalized by vote at a regular meeting or special meeting of the municipality called and duly warned for that purpose. The question to be voted upon shall substantially be, "Shall the action taken at the meeting of this town (or city, village or district) held on (state date) in spite of the fact that (state the error or omission), and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed." Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning, may be cured by a resolution of the legislative body of the municipality by a vote of two-thirds of all its members at a regular meeting or a special meeting called for that purpose, stating that the defect was the result of oversight, inadvertence or mistake. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with, condition, however, that the original action thereby corrected by the legislative body was in compliance with the legal exercise of its corporate powers.

### **§ 2663. Certificate of vote**

Whenever an act of the general assembly by its provisions takes effect only when accepted by vote of a municipality, the clerk of the municipality shall certify within 10 days to the secretary of state the result of such vote.

### **§ 2664. Budget**

At its annual meeting, a town shall vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights. It shall express in its vote the specific amounts, or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses. If a town votes specific amounts in lieu of a rate on a dollar of the grand list, the selectboard shall, after the grand list book has been computed and lodged in the office of the town clerk, set the tax rate necessary to raise the specific amounts voted. The selectboard may apply for grants and may accept and expend grants or gifts above those which are approved in the town budget. The selectboard shall include, in its annual report, a description of all grants or gifts accepted during the year and associated expenditures.

#### **§ 2665. Notification to secretary of state**

The town clerk shall file with the secretary of state a list of the names and addresses of the selectmen elected and shall notify the Secretary of State of any changes in the list as filed.

#### **§ 2666. Improper influence**

Neither the warning, the notice, the official voter information cards, nor the ballot itself shall include any opinion or comment by any town body or officer or other person on any matter to be voted on.

#### **§ 2667. Access to annual meeting**

The legislative body of the municipality shall take reasonable measures to ensure that voters who are elders or have a disability may conveniently attend annual or special meetings; provided, however, that such measures need not be taken if doing so would impose undue hardship on the town. Measures may include location of meetings on the ground floor of buildings or providing ramps or other devices for access to meetings. In municipal elections using the Australian ballot system of voting, subsection 2502(b) of this title shall apply. For the purposes of this section, the legislative body shall have full jurisdiction on the day of the municipal meeting over the premises at which the town meeting is to be held.

### **Subchapter III: Local Elections Using The Australian Ballot System**

#### **§ 2680. Australian ballot system; general**

(a) Application. Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

(b) Officers. Once a municipality votes to elect officers by the Australian ballot system, such officers shall be elected in that manner until the municipality votes to discontinue use of the system.

(c) Budgets.

(1) A vote whether to use the Australian ballot system to establish the budget shall be in substantially the following form:

"Shall (name of municipality) adopt its (name of individual budget article) or (all budget articles) by Australian ballot?"

(2) If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget.

(A) The legislative body shall establish a date for the vote on the revised budget, and shall take appropriate steps to warn a public informational meeting on the budget and the vote. The date of the public informational meeting shall be at least five days following the public notice. The date of the vote shall be at least seven days following the public notice.

(B) The vote on the revised budget shall be by Australian ballot and shall take place in the same locations that the first vote was taken; provided, however, that if that polling place is unavailable, the vote may be held at a different location, with notice posted of the meeting location at the original location.

(C) The budget shall be established if a majority of all votes cast are in favor. If the revised budget is rejected, the legislative body shall repeat the procedure in this subsection until a budget is adopted.

(D) Once a municipality votes to establish its budget by the Australian ballot system, the vote on the budget shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

(d) Public questions.

(1) A vote whether to use the Australian ballot on public questions other than the budget shall be in substantially the following form:

"Shall (name of municipality) vote on (specify the public question) by Australian ballot?"

Or

"Shall (name of municipality) vote on all public questions by Australian ballot?"

(2) Once a municipality has voted to vote on any specific or all public questions by Australian ballot, the votes shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

(e) Use. A municipality shall not use the Australian ballot system at the same election at which its voters decide that the system shall be used.

(f) Presiding officer. The presiding officer for any election or part of an election using the Australian ballot system shall be the town clerk or as otherwise provided in section 2452 of this title.

(g) Early and absentee voting. At the time the Australian ballots are available, which shall be not less than 20 days before the election, early and absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of this title.

(1) The legislative body of a town, city, or village may vote to mail a ballot to all active registered voters in the town, city, or village.

(2) A school board may, after receiving the approval of the legislative body of each member town in the district, vote to mail its annual meeting ballot to all active registered voters in the district. In such case, the town clerk and election officials in the member towns shall be responsible for the mailing of the ballots but all costs associated with the mailing of ballots shall be borne by the school district.

(3) Ballots shall be mailed not less than 20 days before the election, or as soon as they are available.

(4) The mailing of ballots shall be conducted to the extent practicable in accordance with chapter 51, subchapter 6 of this title.

(h) Hearing.

(1) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question or budget, except the budget revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk's office.

(2)(A) The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The legislative body shall be responsible for the administration of this hearing, including the preparation of minutes.

(B) In a town that has voted to start its annual meeting on any of the three days immediately preceding the first Tuesday in March in accordance with subsection 2640(b) of this title, the hearing under this subsection may be held in conjunction with that meeting, in which case the moderator shall preside.

## **§ 2681. Nominations; petitions; consents**

(a)(1)(A) Nominations of the municipal officers shall be by petition. The petition shall be filed with the municipal clerk, together with the endorsement, if any, of any party or parties in accordance with the provisions of this title, not later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline.

(B) A candidate shall be registered to vote in the town he or she is seeking office at or before the time of filing the petition.

(2) The candidate shall also file a written consent to the printing of the candidate's name on the ballot on or before the filing deadline for petitions as set forth in subdivision (1) of this subsection.

(3) A petition shall contain the name of only one candidate.

(b) A petition shall contain at least 30 valid signatures of voters of the municipality or one percent of the legal voters of the municipality, whichever is less. The candidate, prior to circulating his or her petitions, shall print on them his or her name as it appears on the voter checklist and shall indicate clearly on them which office he or she is seeking. If there are different lengths of term available for an office, the candidate must indicate clearly the length of term, as well.

(c) The town clerk shall make petition forms and consent forms available. Petition forms shall be sufficient if they are in substantially the following form:

STATE OF VERMONT

..... County

The undersigned hereby petition the town clerk and other town officers of the Town of

....., County of ....., Vermont  
that

.....  
(Name of Candidate - - Nominee)

be a nominee for election to the office of

.....  
(Name of Office)

at the local election to be held in the town of the ..... day of  
....., 20 ..... We certify that we are presently voters of that town.

NAME/SIGNATURE

STREET ADDRESS

.....  
.....  
.....  
.....

.....  
(d) A person consenting to be nominated may withdraw by notifying the municipal clerk in writing no later than 5:00 p.m. on the Wednesday after the filing deadline.

(e) The officer receiving the petitions shall immediately proceed to examine them to ascertain whether they conform to the provisions of this subchapter. If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In this case, supplementary petitions may be filed not later than 5:00 p.m. on the Wednesday after the filing deadline. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subsection (b) of this section were not filed by the filing deadline set forth in subdivision (a)(1) of this section.

### **§ 2681a. Local election ballots**

(a) Ballots for local officers and local public questions shall be prepared at town expense, under the direction of the town clerk not later than 20 days before the local election. These ballots may be any color and the printing shall be black; in other respects, they shall conform as nearly as may be practicable to the form of the consolidated ballot in subchapter 2 of chapter 51 of this title, except as otherwise provided in this section.

(b)(1) On the local election ballot, the candidate's name shall appear as provided in his or her consent form.

2) The board of civil authority may vote to list a street address for each candidate, or the town of residence of each candidate, or no residence at all for each candidate.

(c) No political party or other designation shall be listed unless the municipal charter provides for such listing, the town has voted at an earlier election to provide such a listing or, in the absence of previous consideration of the question by the town, the legislative body decides to permit listing. If political party or other designations are permitted, no candidate shall use the name of a political party whose certificate of organization has been filed properly with the Secretary of State unless the candidate has been endorsed by a legally called town caucus of that political party for the office in question. In any event, the candidate must still file the petition and consent form required by section 2681 of this title.

(d) The names of candidates for the same office, but for different terms of service, shall be arranged in groups according to the length of their respective terms.

(e) Public questions shall be written in the form of a question, with boxes indicating a choice of "yes" and "no" directly under or to the right side of the public question. No public question shall pass unless a majority of the votes, excluding blank and overvotes, is cast in favor of the proposition.

## **§ 2682. Process of voting; appointments**

- (a) Election expenses shall be assumed by the municipality.
- (b) Returns shall be filed with the town clerk.
- (c) In a municipal election controlled by this subchapter, the person receiving the greatest number of votes for an office shall be declared elected to that office and a certificate of election need not be issued.
- (d) In the event no person files a petition for an office which is to be filled at the annual or special meeting of a municipality, and if no person is otherwise elected to fill the office, a majority of the legislative body of the municipality may appoint a voter of the municipality to fill the office until the next annual meeting.
- (e) [Repealed.]
- (f) When the same number of persons are nominated for any town office as there are positions to be filled, the presiding officer may declare the whole slate of candidates elected without making individual tallies, provided each person on the slate has more votes than the largest number of write-in votes for any one write-in candidate.

### **§ 2682a. Write-in candidates**

Notwithstanding the provisions of section 2682 of this subchapter, in order to be elected, a write-in candidate shall receive at least 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.

### **§ 2682b. Tie votes for local office**

If there is a tie vote for any office, the legislative body or, in its stead, the municipal clerk shall within seven days warn a runoff election to be held not less than 15 days nor more than 22 days after the warning. The only candidates in the runoff election shall be those who were tied in the original election. However, if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election.

### **§ 2683. Request for a recount; candidates**

- (a) A candidate for local office may request a recount by filing a request in writing with the municipal clerk within 10 days after the election.

(b) If the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is five percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted.

#### **§ 2684. Time and place of recount; notice**

The clerk shall fix the time and place for a recount for not less than two nor more than five days from the time the petition is received, and shall promptly notify the opposing candidates and the board of civil authority.

#### **§ 2685. Conduct of recount**

(a)(1) Except as provided in subdivision (2) of this subsection, 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 pursuant to the procedure set forth in section 2685a of this subchapter and otherwise in the same manner as the votes were counted on the day of the election.

(2) When the ballot for the office is printed on index stock and configured to be readable by vote tabulator, the town clerk and board of civil authority shall conduct the recount by vote tabulator, pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable, if:

(A) the candidate who petitions for a recount requests that it be conducted by vote tabulator;

(B) the board of civil authority, at a meeting held not less than 60 days prior to a local election and warned pursuant to 24 V.S.A. § 801, has voted to require the municipality for which it is elected to use vote tabulators in subsequent recounts; or

(C) the municipality has voted to use vote tabulators in subsequent recounts pursuant to a meeting warned for the purpose.

(b) The petitioner, the opposing candidates, and their designated representatives may inspect the ballots and observe the recount under the guidance of the board.

(c) The board shall certify the result to the town clerk, who shall declare the result.

(d) 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.

#### **§ 2685a. Procedure for recount**

(a) Storage of ballots; assignment of duties.

(1) The town clerk shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount.

(2)(A) The town clerk shall supervise the recount.

(B) If the town clerk is unavailable or is a candidate for the office subject to the recount, the board of civil authority shall appoint a voter of the municipality to perform the duties of the town clerk under this section.

(3)(A) The board of civil authority shall appoint a sufficient number of impartial assistant election officers to perform appropriate tasks to conduct the recount.

(B) Each assistant election officer shall be appointed and sworn as set forth in section 2454 of this title.

(b) Preparation for recount.

(1) Before the recount begins, the town clerk shall explain the recount procedures that are to be followed and shall answer questions relating to such procedures.

(2) The election officials shall recount the contents of one container before another container is opened and shall recount the contents of all the containers relating to one polling place before moving to those of another polling place.

(c) [Repealed]

(d) [Repealed]

(e) Ballot Review.

(1) If the election officials examining a particular ballot do not agree on how the vote on that ballot should be counted, all of the board of civil authority members present shall review the vote and the vote shall be counted as agreed upon by the majority of those board of civil authority members.

(2) A write-in vote for a preprinted candidate shall be counted as a vote for that candidate.

(f) [Repealed]

(h) Other rules for conducting the recount.

(1) The town clerk shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the town clerk may cause the person to be removed from the premises.

(2) The town clerk shall designate an area within which the recount shall take place. Persons who are not board of civil authority members or appointed impartial election officers shall be permitted to view a recount in progress, but persons not authorized by the town clerk shall not be permitted within the area designated by the town clerk.

(i) After the recount.

(1)(A) Except as provided in subdivision (B) of this subdivision (1), if the recount results in a tie, a runoff election shall be conducted in accordance with section 2682b of this chapter.

(B) If the recount confirms a tie as to any public question, a new election shall not be held, and the question shall be certified not to have passed.

### **§ 2686. Declaration of result**

If the recount shows that a person other than the one declared elected upon the original canvass of votes has the number of votes required by law for election to office, that person shall be declared elected and shall be entitled to the office.

### **§ 2687. Appeal to superior court**

Within five days after the declaration of the clerk, an aggrieved candidate may appeal to the superior court by giving a written notice to that effect to the other candidates who appeared before the board of civil authority. The original of the notice shall be filed with the county clerk. No entry fee shall be charged in these matters. The superior court shall immediately issue an order directing the town clerk to transmit to the county clerk all ballots, papers, and records affecting the appeal, and fixing a time for hearing in open court or before a referee not later than five days from the making of the order. The order shall be served upon the town clerk and all other candidates who have appeared before the board. A reference may be ordered upon any or all questions. At the time and place so fixed, the matter shall be summarily heard and determined and the costs taxed as in other civil actions.

### **§ 2688. Recount on question submitted**

(a) A registered voter or, in the case of a union school district, at least one registered voter from each member of the union district may demand a recount of ballots on any question submitted to the vote of the municipality using the Australian ballot system, if the margin by which the question passed or failed is less than five percent of the total votes cast on the question.

(b) The request shall be filed with the municipal clerk within 10 days after the vote. The procedure shall be the same as in the case of recount of the votes cast for a candidate at an election.

(c) The petitioner and his or her designated representative and a voter representing the other side of the question voted upon and his or her designated representative may inspect the vote and observe the recount under the guidance of the board of civil authority

#### **§ 2689. Preservation of ballots**

In an election in which the Australian ballot system is used, the ballots shall be preserved as provided in this title in the case of general elections.

#### **§ 2690. [Repealed]**

## **CHAPTER 57: PRESIDENTIAL ELECTIONS**

### **Subchapter 1: Presidential Primary**

#### **§ 2701. Presidential primary; time of holding; form of ballot**

In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. The Secretary of State shall prepare and distribute for use at the primary an official ballot for each party for which one or more candidates qualify for the placing of their names on the ballot under section 2702 of this title. Ballots shall be printed on index stock and configured to be readable by vote tabulators.

#### **§ 2702. Nominating petition**

(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party if petitions signed by at least 1,000 voters in accordance with sections 2353, 2354, and 2358 of this title are filed with the Secretary of State, together with the written consent of the person to the printing of the person's name on the ballot.

(b) Petitions shall be filed not later than 5:00 p.m. on 15<sup>th</sup> day of December preceding the primary election.

(c) The petition shall be in a form prescribed by the Secretary of State.

(d) A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election.

(e) Each petition shall be accompanied by a filing fee of \$2,000.00 to be paid to the Secretary of State. However, if the petition of a candidate is accompanied by the affidavit of the candidate, which shall be available for public inspection, that the candidate and the candidate's campaign

committee are without sufficient funds to pay the filing fee, the Secretary of State shall waive all but \$300.00 of the payment of the filing fee by that candidate.

### **§ 2703. Examining petitions; supplementary petitions**

The Secretary of State shall examine the petitions and ascertain whether they conform to the provisions of this chapter, and sections 2353, 2354, and 2358 of this title. If found not to conform, he or she shall state in writing why a particular petition cannot be accepted, and within 72 hours from receipt he or she shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than 10 days after the deadline for filing petitions. However, supplementary petitions shall not be accepted if petitions with the signatures of at least 1,000 persons were not filed by the deadline for filing petitions set forth in section 2702 of this chapter.

### **§ 2704. Ballots**

A person voting at the primary shall be required to ask for the ballot of the party in which the voter wishes to vote and an election official shall record the voter's choice of ballot by marking the entrance checklist with a letter code, as designated by the secretary of state, to indicate the voter's party choice. The names of all candidates on the ballot shall be listed in alphabetical order. Each voter may vote for one candidate for the presidential nomination of one party, either by placing a mark opposite the printed name of a candidate as in other primaries, or by writing in the name of the candidate of the voter's choice.

### **§ 2705. Checklist**

The checklist for the primary shall be the checklist to be used at the annual town meeting, except that the names of residents of unorganized towns and gores shall be added to the checklist in the manner provided in section 2123 of this title and it shall be stated next to their names that they are eligible to vote in the presidential primary but not on town meeting items. Towns that do not hold an annual meeting on the first Tuesday or the Monday evening before the first Tuesday in March shall update their checklist before the election as required by chapter 43 of this title.

### **§ 2706. Provisions applicable**

The appropriate provisions of this title shall apply to presidential primaries, unless clearly inconsistent herewith.

## **Subchapter 2: Delegates To National Convention; Presidential Nominations**

### **§ 2715. Party convention to elect delegates**

(a) The state committee of each major political party holding a national convention shall call a party convention, under rules proposed in advance and adopted by the committee, to be held during the month of May or June in each presidential election year. At the convention, delegates and alternates to the national convention of such party, to the number apportioned to this state, shall be elected by the rules adopted by each major political party.

(b) Each major political party shall adopt rules relating to the delegates and alternates of a candidate who has withdrawn as a candidate. A declaration of withdrawal shall be made in writing and becomes effective when filed with the secretary of state.

(c) Each major political party shall adopt rules relating to the manner in which the delegates elected in accordance with this section shall represent, at the national convention, the voters for whom the delegates were elected.

### **§ 2716. Notification to Secretary of State**

Not later than 5:00 p.m. on the 65th day before the day of the general election, the chair of the State committee of each major political party shall certify in writing to the Secretary of State the names of the presidential and vice presidential nominees selected at the party's national convention.

## **Subchapter 3: Nomination Of Electors**

### **§ 2721. Nomination of presidential electors**

In presidential election years, presidential electors for major political parties shall be nominated at the party platform convention held pursuant to this title. Electors for all other presidential candidates shall be nominated pursuant to subchapter 3 of chapter 49 of this title.

### **§ 2722. Certification of nominees for electors**

After adjournment of the platform convention of a major political party, the chairman and secretary of the convention shall promptly execute a sworn statement certifying the names, towns of residence, and correct mailing addresses of the persons nominated by the convention to serve as electors, and shall promptly file the statement with the secretary of state, along with the written consent of each person to be a nominee for elector.

## **Subchapter 4: Meeting of Electors**

### **§ 2731. Certificates of election**

When the canvassing committee provided for in section 2592 of this title meets, it shall issue its certificates of election, with respect to the presidential election, to the electors nominated by the party whose candidate for President has received the greatest number of votes, except that if the agreement set forth in 17 V.S.A. chapter 58 (agreement among the states to elect the President by national popular vote) governs the appointment of presidential electors as provided in subsection 2753(i) of this title, the committee shall issue its certificates of election, with respect to the presidential election, to the electors nominated in association with the national popular vote winner as provided in subsection 2753(c) of this title

### **§ 2732. Meeting of electors**

(a) The electors shall meet at the State House on the first Monday after the second Wednesday in December next following their election to vote for the President and Vice President of the United States, agreeably to the laws of the United States.

(b)(1) If there is a vacancy in the electoral college on that day, occasioned by death, refusal to act, neglect to attend, failure of a person elected to qualify, or for other cause, the other electors present shall at once fill such vacancy viva voce and by a plurality of votes.

(2) When all the electors appear or a vacancy therein is filled, the electors shall perform the duties required of them by the Constitution and laws of the United States.

(3) If a vacancy occurs and is filled as aforesaid, the electors shall attach to the certificate of their votes a statement showing how such a vacancy occurred and their action thereon.

(c)(1) Each elector shall vote for the candidates for President and Vice President who were nominated by the same political party or organization that nominated the elector or for the legal successor who has replaced that candidate for President and Vice President due to the candidate's death, resignation, or disqualification.

(2) Each elector shall present the elector's completed ballots to the Secretary of State, who shall examine them.

(3)(A) The Secretary of State shall accept and count the ballots of an elector who has voted for the candidates for President and Vice President required under subdivision (1) of this subsection (c).

(B) The Secretary of State shall not accept and shall not count an elector's ballots if the elector has not marked both ballots or has marked one ballot in violation of subdivision (1) of this subsection (c).

(4) If an elector refuses to present a ballot, presents an unmarked ballot, or presents a ballot marked in violation of subdivision (1) of this subsection (c), then the elector's office is vacated, the Secretary of State shall declare the creation of the vacancy, and the vacancy shall be filled as set forth in subsection (b) of this section

## **CHAPTER 58: AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE**

### **§ 2751. Article I-Membership**

Any state of the United States and the District of Columbia may become a member of this agreement by enacting this agreement.

### **§ 2752. Article II-Right of the people in member states to vote for president and vice president**

Each member state shall conduct a statewide popular election for President and Vice President of the United States.

### **§ 2753. Article III-Manner of appointing presidential electors in member states**

(a) Prior to the time set by law for the meeting and voting by the presidential electors, the chief election official of each member state shall determine the number of votes for each presidential slate in each State of the United States and in the District of Columbia in which votes have been cast in a statewide popular election and shall add such votes together to produce a "national popular vote total" for each presidential slate.

(b) The chief election official of each member state shall designate the presidential slate with the largest national popular vote total as the "national popular vote winner."

(c) The presidential elector certifying official of each member state shall certify the appointment in that official's own state of the elector slate nominated in that state in association with the national popular vote winner.

(d) At least six days before the day fixed by law for the meeting and voting by the presidential electors, each member state shall make a final determination of the number of popular votes cast in the state for each presidential slate and shall communicate an official statement of such determination within 24 hours to the chief election official of each other member state.

(e) The chief election official of each member state shall treat as conclusive an official statement containing the number of popular votes in a state for each presidential slate made by the day

established by federal law for making a state's final determination conclusive as to the counting of electoral votes by Congress.

(f) In event of a tie for the national popular vote winner, the presidential elector-certifying official of each member state shall certify the appointment of the elector slate nominated in association with the presidential slate receiving the largest number of popular votes within that official's own state.

(g) If, for any reason, the number of presidential electors nominated in a member state in association with the national popular vote winner is less than or greater than that state's number of electoral votes, the presidential candidate on the presidential slate that has been designated as the national popular vote winner shall have the power to nominate the presidential electors for that state and that state's presidential elector certifying official shall certify the appointment of such nominees.

(h) The chief election official of each member state shall immediately release to the public all vote counts or statements of votes as they are determined or obtained.

(i) This article shall govern the appointment of presidential electors in each member state in any year in which this agreement is, on July 20, in effect in states cumulatively possessing a majority of the electoral votes.

#### **§ 2754. Article IV-Other provisions**

(a) This agreement shall take effect when states cumulatively possessing a majority of the electoral votes have enacted this agreement in substantially the same form and the enactments by such states have taken effect in each state.

(b) Any member state may withdraw from this agreement, except that a withdrawal occurring six months or less before the end of a President's term shall not become effective until a President or Vice President shall have been qualified to serve the next term.

(c) The chief executive of each member state shall promptly notify the chief executive of all other states of when this agreement has been enacted and has taken effect in that official's state, when the state has withdrawn from this agreement, and when this agreement takes effect generally.

(d) This agreement shall terminate if the electoral college is abolished.

(e) If any provision of this agreement is held invalid, the remaining provisions shall not be affected.

#### **§ 2755. Article V-Definitions**

For purposes of this agreement:

- (1) "Chief election official" shall mean the state official or body that is authorized to certify the total number of popular votes for each presidential slate.
- (2) "Chief executive" shall mean the governor of a state of the United States or the mayor of the District of Columbia.
- (3) "Elector slate" shall mean a slate of candidates who have been nominated in a state for the position of presidential elector in association with a presidential slate.
- (4) "Presidential elector" shall mean an elector for President and Vice President of the United States.
- (5) "Presidential elector certifying official" shall mean the state official or body that is authorized to certify the appointment of the state's presidential electors.
- (6) "Presidential slate" shall mean a slate of two persons, the first of whom has been nominated as a candidate for President of the United States and the second of whom has been nominated as a candidate for Vice President of the United States, or any legal successors to such persons, regardless of whether both names appear on the ballot presented to the voter in a particular state.
- (7) "State" shall mean a state of the United States and the District of Columbia; and
- (8) "Statewide popular election" shall mean a general election in which votes are cast for presidential slates by individual voters and counted on a statewide basis.

## **CHAPTER 61: CAMPAIGN FINANCE**

### **Subchapter 1: General Provisions**

#### **§ 2901. Definitions**

As used in this chapter:

- (1) "Candidate" means an individual who has taken affirmative action to become a candidate for State, county, local, or legislative office in a primary, special, general, or local election. An affirmative action shall include one or more of the following:
  - (A) accepting contributions or making expenditures totaling \$500.00 or more;
  - (B) filing the requisite petition for nomination under this title or being nominated by primary or caucus; or

(C) announcing that the individual seeks an elected position as a State, county, or local officer or a position as Representative or Senator in the General Assembly.

(2) "Candidate's committee" means the candidate's campaign staff, whether paid or unpaid.

(3) "Clearly identified," with respect to a candidate, means:

(A) the name of the candidate appears;

(B) a photograph or drawing of the candidate appears; or

(C) the identity of the candidate is apparent by unambiguous reference.

(4) "Contribution" means a payment, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates in any election. As used in this chapter, "contribution" shall not include any of the following:

(A) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(B) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(C) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate;

(D) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate's spouse;

(E) the use by a candidate or volunteer of his or her own personal property, including offices, telephones, computers, and similar equipment;

(F) the use of a political party's offices, telephones, computers, and similar equipment;

(G) the payment by a political party of the costs of preparation, display, or mailing or other distribution of a party candidate listing;

(H) documents, in printed or electronic form, including party platforms, single copies of issue papers, information pertaining to the requirements of this title, lists of registered voters, and voter identification information created, obtained, or maintained by a political party for the general purpose of party building and provided to a candidate who is a member of that party or to another political party;

(I) compensation paid by a political party to its employees whose job responsibilities are not for the specific and exclusive benefit of a single candidate in any election;

(J) compensation paid by a political party to its employees or consultants for the purpose of providing assistance to another political party;

(K) campaign training sessions provided to three or more candidates;

(L) costs paid for by a political party in connection with a campaign event at which three or more candidates are present; or

(M) activity or communication designed to encourage individuals to register to vote or to vote if that activity or communication does not mention or depict a clearly identified candidate.

(5) "Election" means the procedure whereby the voters of this State or any of its political subdivisions select a person to be a candidate for public office or to fill a public office or to act on public questions including voting on constitutional amendments. Each primary, general, special, or local election shall constitute a separate election.

(6) "Electioneering communication" means any communication that refers to a clearly identified candidate for office and that promotes or supports a candidate for that office or attacks or opposes a candidate for that office, regardless of whether the communication expressly advocates a vote for or against a candidate, including communications published in any newspaper or periodical or broadcast on radio or television or over the Internet or any public address system; placed on any billboards, outdoor facilities, buttons, or printed material attached to motor vehicles, window displays, posters, cards, pamphlets, leaflets, flyers, or other circulars; or contained in any direct mailing, robotic phone calls, or mass electronic or digital communications

(7) "Expenditure" means a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates.

(A) Expenditures may include those expenses that are necessary to allow a candidate to campaign, such as expenses for the care of a dependent family member that are incurred as a direct result of campaign activity.

(B) As used in this chapter, "expenditure" shall not include any of the following:

(i) a personal loan of money to a candidate from a lending institution made in the ordinary course of business;

(ii) services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee, or political party;

(iii) unreimbursed travel expenses paid for by an individual for himself or herself who volunteers personal services to a candidate; or

(iv) unreimbursed campaign-related travel expenses paid for by the candidate or the candidate's spouse

(8) "Four-year general election cycle" means the 48-month period that begins 38 days after a general election for a four-year-term office.

(9) "Full name" means an individual's full first name, middle name or initial, if any, and full legal last name, making the identity of the person who made the contribution apparent by unambiguous reference.

(10) "Independent expenditure-only political committee" means a political committee that conducts its activities entirely independent of candidates; does not give contributions to candidates, political committees, or political parties; does not make related expenditures; and is not closely related to a political party or to a political committee that makes contributions to candidates or makes related expenditures.

(11) "Mass media activity" means a television commercial, radio commercial, internet advertisement mass mailing, mass electronic or digital communication, literature drop, newspaper or periodical advertisement, robotic phone call, or telephone bank, which includes the name or likeness of a clearly identified candidate for office.

(12) "Party candidate listing" means any communication by a political party that:

(A) lists the names of at least three candidates for election to public office;

(B) is distributed through public advertising such as broadcast stations, cable television, newspapers, and similar media or through direct mail, telephone, electronic mail, a publicly accessible site on the Internet, or personal delivery;

(C) treats all candidates in the communication in a substantially similar manner; and

(D) is limited to:

(i) the identification of each candidate, with which pictures may be used;

(ii) the offices sought;

(iii) the offices currently held by the candidates;

(iv) the party affiliation of the candidates and a brief statement about the party or the candidates' positions, philosophy, goals, accomplishments, or biographies;

(v) encouragement to vote for the candidates identified; and

(vi) information about voting, such as voting hours and locations

(13) "Political committee" or "political action committee" means any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which accepts contributions of \$1,000.00 or more and makes expenditures of \$1,000.00 or more in any two-year general election cycle for the purpose of supporting or opposing one or more candidates, influencing an election, or advocating a position on a public question in any election, and includes an independent expenditure-only political committee and a legislative leadership political committee.

(14) "Political party" means a political party organized under chapter 45 of this title and any committee established, financed, maintained, or controlled by the party, including any subsidiary, branch, or local unit thereof, and shall be considered a single, unified political party. The national affiliate of the political party shall be considered a separate political party.

(15) "Public question" means an issue that is before the voters for a binding decision.

(16) "Single source" means an individual, partnership, corporation, association, labor organization, or any other organization or group of persons which is not a political committee or political party

(17) "Telephone bank" means more than 500 telephone calls of an identical or substantially similar nature that are made to the general public within any 30-day period.

(18) "Two-year general election cycle" means the 24-month period that begins 38 days after a general election.

(19) "Legislative leadership political committee" means a political committee established by or on behalf of a political party caucus within a chamber of the General Assembly.

### **§ 2902. Exceptions**

The definitions of "contribution," "expenditure," and "electioneering communication" shall not apply to:

(1) any news story, commentary, or editorial distributed through the facilities of any broadcasting station, newspaper, magazine, or other periodical publication that has not been paid for or such facilities are not owned or controlled by any political party, committee, or candidate; or

(2) any communication distributed through a public access television station if the communication complies with the laws and rules governing the station and if all candidates in the race have an equal opportunity to promote their candidacies through the station.

### **§ 2903. Penalties**

(a) A person who knowingly and intentionally violates a provision of subchapter 2, 3, or 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months, or both.

(b) A person who violates any provision of this chapter shall be subject to a civil penalty of up to \$10,000.00 for each violation and shall refund to the Secretary of State an amount equivalent to any contributions or expenditures that violate subdivision 2983(b)(1) of this chapter.

(c) In addition to the other penalties provided in this section, a State's Attorney or the Attorney General may institute any appropriate action, injunction, or other proceeding to prevent, restrain, correct, or abate any violation of this chapter.

### **§ 2904. Civil investigation**

(a)(1) The Attorney General or a State's Attorney, whenever he or she has reason to believe any person to be or to have been in violation of this chapter or of any rule made pursuant to this chapter, may examine or cause to be examined by any agent or representative designated by him or her for that purpose any books, records, papers, memoranda, or physical objects of any nature bearing upon each alleged violation and may demand written responses under oath to questions bearing upon each alleged violation.

(2) The Attorney General or a State's Attorney may require the attendance of such person or of any other person having knowledge in the premises in the county where such person resides or has a place of business or in Washington County if such person is a nonresident or has no place of business within the State and may take testimony and require proof material for his or her information and may administer oaths or take acknowledgment in respect of any book, record, paper, or memorandum.

(3) The Attorney General or a State's Attorney shall serve notice of the time, place, and cause of such examination or attendance or notice of the cause of the demand for written responses personally or by certified mail upon such person at his or her principal place of business or, if such place is not known, to his or her last known address. Such notice shall include a statement that a knowing and intentional violation of subchapters 2 through 4 of this chapter is subject to criminal prosecution.

(4) Any book, record, paper, memorandum, or other information produced by any person pursuant to this section shall not, unless otherwise ordered by a court of this State for good cause shown, be disclosed to any person other than the authorized agent or representative of the Attorney General or a State's Attorney or another law enforcement officer engaged in legitimate law enforcement activities unless with the consent of the person producing the same, except that any transcript of oral testimony, written responses, documents, or other information produced pursuant to this section may be used in the enforcement of this chapter, including in connection with any civil action brought under section 2903 of this subchapter or subsection (c) of this section.

(5) Nothing in this subsection is intended to prevent the Attorney General or a State's Attorney from disclosing the results of an investigation conducted under this section, including the grounds for his or her decision as to whether to bring an enforcement action alleging a violation of this chapter or of any rule made pursuant to this chapter.

(6) This subsection shall not be applicable to any criminal investigation or prosecution brought under the laws of this or any state.

(b)(1) A person upon whom a notice is served pursuant to the provisions of this section shall comply with its terms unless otherwise provided by the order of a court of this State.

(2) Any person who, with intent to avoid, evade, or prevent compliance, in whole or in part, with any civil investigation under this section, removes from any place; conceals, withholds, or destroys; or mutilates, alters, or by any other means falsifies any documentary material in the possession, custody, or control of any person subject to such notice or mistakes or conceals any information shall be fined not more than \$5,000.00.

(c)(1) Whenever any person fails to comply with any notice served upon him or her under this section or whenever satisfactory copying or reproduction of any such material cannot be done and the person refuses to surrender the material, the Attorney General or a State's Attorney may file, in the Superior Court in the county in which the person resides or has his or her principal place of business or in Washington County if the person is a nonresident or has no principal place of business in this State and serve upon the person a petition for an order of the Court for the enforcement of this section.

(2) Whenever any petition is filed under this section, the Court shall have jurisdiction to hear and determine the matter so presented and to enter any order or orders as may be required to carry into effect the provisions of this section. Any disobedience of any order entered under this section by any court shall be punished as a contempt of the court.

(d) Any person aggrieved by a civil investigation conducted under this section may seek relief from Washington Superior Court or the Superior Court in the county in which the aggrieved person resides. Except for cases the Court considers to be of greater importance, proceedings before Superior Court as authorized by this section shall take precedence on the docket over all other cases.

#### **§ 2904a Reports to state ethics commission**

Upon receipt of a complaint made in regard to a violation of this chapter or any rule made pursuant to this chapter, the Attorney General or a State's Attorney shall:

(1) Forward a copy of the complaint to the State Ethics Commission established in 3 V.S.A. chapter 31. The Attorney General or State's Attorney shall provide this information to the commission within 10 days of his or her receipt of the complaint.

(2) File a report with the Commission regarding his or her decision as to whether to bring an enforcement action as a result of that complaint. The Attorney General or State's Attorney shall make this report within 10 days of that decision.

### **§ 2905. Adjustments for inflation**

(a)(1) Whenever it is required by this chapter, the Secretary of State shall make adjustments to monetary amounts provided in this chapter based on the Consumer Price Index. Increases shall be rounded to the nearest \$10.00 and shall apply for the term of two two-year general election cycles. Increases shall be effective for the first two-year general election cycle beginning after the general election held in 2016.

(2) As used in this section, Consumer Price Index shall mean the Northeast Region Consumer Price Index for all urban consumers, designated as "CPI-U," in the northeast region, as published by the U.S. Department of Labor, Bureau of Labor Statistics.

(b) On or before the first two-year general election cycle beginning after the general election held in 2016, the Secretary of State shall calculate and publish on the online database set forth in section 2906 of this chapter each adjusted monetary amount that will apply to those two two-year general election cycles. On or before the beginning of each second subsequent two-year general election cycle, the Secretary of State shall publish the amount of each adjusted monetary amount that shall apply for that two-year general election cycle and the next two-year general election cycle.

### **§ 2906. Campaign database; candidate information web page**

(a) Campaign database. For each election, the Secretary of State shall develop and continually update a publicly accessible campaign database which shall be made available to the public through the Secretary of State's home page online service or through printed reports from the Secretary of State in response to a public request within 14 days of the date of the request. The database shall contain:

(1) at least the following information for all candidates for statewide, county, and local office and for the General Assembly:

(A) for candidates receiving public financing grants, the amount of each grant awarded;  
and

(B) the information contained in any reports submitted pursuant to subchapter 4 of this chapter;

(2) an Internet link to campaign finance reports filed by Vermont's candidates for federal office;

(3) the adjustments for inflation made to monetary amounts as required by this chapter; and

(4) any photographs, biographical sketches, and position statements submitted to the Secretary of State pursuant to subsection (b) of this section.

(b) Candidate information web page.

(1) Any candidate for statewide office and any candidate for federal office qualified to be on the ballot in this State may submit to the Secretary of State a photograph, biographical sketch, and position statement of a length and format specified by the Secretary of State for the purposes of preparing a candidate information web page within the website of the Secretary of State.

(2) Without making any substantive changes in the material presented, the Secretary of State shall prepare a candidate information web page on the Secretary of State's website, which includes the candidates' photographs, biographies, and position statements; a brief explanation of the process used to obtain candidate submissions; and, with respect to offices for which public financing is available, an indication of which candidates are receiving Vermont campaign finance grants and which candidates are not receiving Vermont campaign finance grants.

(3) The Secretary of State shall populate the candidate information web page by posting each candidate's submission no later than three business days after receiving the candidate's submission

## **§ 2907. Administration**

The Secretary of State shall administer this chapter and shall perform all duties required under this chapter. The Secretary of State may employ or contract for the services of persons necessary for performance of these duties.

## **Subchapter 2: Registration and Maintenance Requirements**

### **§ 2921. Candidates; registration; checking account; treasurer**

(a) Each candidate who has made expenditures or accepted contributions of \$500.00 or more in an election cycle shall register with the Secretary of State within 10 days of reaching the \$500.00 threshold or on the date that the next report is required of the candidate under this chapter, whichever occurs first, stating his or her full name and address; the office the candidate is seeking; the name and address of the bank in which the candidate maintains his or her campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account. A candidate's treasurer may be the candidate or his or her spouse.

(b) All expenditures by a candidate shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the candidate under subsection (a) of this section, or, if under \$250.00, the candidate may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the candidate for at least two years from the end of the election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the candidate.

(c) As used in this section, "election cycle" means:

(1) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or run-off election related to that general or local election; or

(2) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or run-off election related to that special election.

## **§ 2922. Political committees; registration; checking account; treasurer**

(a)(1) Each political committee shall register with the Secretary of State within 10 days of making expenditures of \$1,000.00 or more and accepting contributions of \$1,000.00 or more stating its full name and address; the name and address of the bank in which it maintains its campaign checking account; and the name and address of the treasurer responsible for maintaining the checking account.

(2)(A) In addition to the requirements of subdivision (1) of this subsection, a legislative leadership political committee shall designate in its registration that it is established as a legislative leadership political committee.

(B) The Secretary of State shall provide on his or her website a list of all legislative leadership political committees that have been designated as provided in this subdivision (2).

(b) All expenditures by a political committee shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political committee under subsection (a) of this section, or, if under \$250.00, the political committee may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political committee for at least two years from the end of the two-year general election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political committee.

(c) A political committee whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political committee. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

### **§ 2923. Political parties; registration; checking accounts; treasurer**

(a)(1) Each political party which has accepted contributions or made expenditures of \$1,000.00 or more in any two-year general election cycle shall register with the Secretary of State within 10 days of reaching the \$1,000.00 threshold. In its registration, the party shall state its full name and address, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(2) A political party may permit any subsidiary, branch, or local unit of the political party to maintain its own checking account. If a subsidiary, branch, or local unit of a political party is so permitted, it shall file with the Secretary of State within five days of establishing the checking account its full name and address, the name of the political party, the name and address of the bank in which it maintains its campaign checking account, and the name and address of the treasurer responsible for maintaining the checking account.

(b) All expenditures by a political party or its subsidiary, branch, or local unit shall be paid by either a credit card or a debit card, check, or other electronic transfer from the single campaign checking account in the bank designated by the political party, subsidiary, branch, or local unit under subsection (a) of this section, or if under \$250.00, the political party, subsidiary, branch, or local unit may make the expenditure from cash from that campaign checking account if accompanied by a receipt, a copy of which shall be maintained by the political party, subsidiary, branch, or local unit for at least two years from the end of the two-year general election cycle in which the expenditure was made. Nothing in this subsection shall be construed to prohibit the payment of fees required to be made from a separately held online account designated solely to collect campaign contributions made to the political party, subsidiary, branch, or local unit.

(c) A political party or its subsidiary, branch, or local unit whose principal place of business or whose treasurer is not located in this State shall file a statement with the Secretary of State designating a person who resides in this State upon whom may be served any process, notice, or demand required or permitted by law to be served upon the political party, subsidiary, branch, or local unit. This statement shall be filed at the same time as the registration required in subsection (a) of this section.

### **§ 2924. Candidates; surplus campaign funds; new campaign accounts**

(a) A candidate who has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use, other than to reduce personal campaign debts or as otherwise provided in this chapter.

(b) Surplus funds in a candidate's account shall be:

(1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;

(2) contributed to a charity;

(3) contributed to the Secretary of State Services Fund;

(4) rolled over into a new campaign or be carried forward for surplus maintenance as provided in subsection (d) of this section; or

(5) liquidated using a combination of the provisions set forth in subdivisions (1)-(4) of this subsection.

(c) The "final report" of a candidate shall indicate the amount of the surplus and how it has been liquidated.

(d)(1) A candidate who chooses to roll over any surplus into a new campaign for public office shall close out his or her former campaign by converting all debts and assets to the new campaign.

(B) A candidate who does not intend to be a candidate in a subsequent election but who chooses to carry forward any surplus shall maintain that surplus by closing out his or her former campaign and converting all debts and assets to surplus maintenance.

(2) The candidate may use his or her former campaign's treasurer and bank account for the new campaign under subdivision (1)(A) of this subsection or the maintenance of surplus under subdivision (1)(B) of this subsection. A candidate shall be required to file a new bank designation form only if there has been a change in the treasurer or the location of the campaign account.

#### **§ 2925. Political committees; surplus campaign funds**

(a) A member of a political committee that has surplus funds after all campaign debts have been paid shall not convert the surplus to personal use.

(b) Surplus funds in a political committee's account shall be:

(1) contributed to other candidates, political parties, or political committees subject to the contribution limits set forth in this chapter;

(2) contributed to a charity;

(3) contributed to the Secretary of State Services Fund; or

(4) liquidated using a combination of the provisions set forth in subdivisions (1)-(3) of this subsection.

(c) The "final report" of a political committee shall indicate the amount of the surplus and how it has been liquidated.

### **Subchapter 3: Contribution Limitations**

#### **§ 2941. Limitations of contributions**

(a) In any election cycle:

(1)(A) A candidate for State Representative or for local office shall not accept contributions totaling more than:

(i) \$1,000.00 from a single source; or

(ii) \$1,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(2)(A) A candidate for State Senator or for county office shall not accept contributions totaling more than:

(i) \$1,500.00 from a single source; or

(ii) \$1,500.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(3)(A) A candidate for the office of Governor, Lieutenant Governor, Secretary of State, State Treasurer, Auditor of Accounts, or Attorney General shall not accept contributions totaling more than:

(i) \$4,000.00 from a single source; or

(ii) \$4,000.00 from a political committee.

(B) Such a candidate may accept unlimited contributions from a political party.

(4) A political committee shall not accept contributions totaling more than:

- (A) \$4,000.00 from a single source;
- (B) \$4,000.00 from a political committee; or
- (C) \$4,000.00 from a political party.

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

- (A) \$10,000.00 from a single source;
- (B) \$10,000.00 from a political committee; or
- (C) \$60,000.00 from a political party.

(6) [Repealed.]

(b) A single source, political committee, or political party shall not contribute more to a candidate, political committee, or political party than the candidate, political committee, or political party is permitted to accept under this section.

(c) As used in this section:

(1) For a candidate described in subdivisions (1)-(3) of subsection (a), an "election cycle" means:

(A) in the case of a general or local election, the period that begins 38 days after the previous general or local election for the office and ends 38 days after the general or local election for the office for which that person is a candidate, and includes any primary or run-off election related to that general or local election; or

(B) in the case of a special election, the period that begins on the date the special election for the office was ordered and ends 38 days after that special election, and includes any special primary or run-off election related to that special election.

(2) For a political committee, political party, or single source described in subdivisions (4)-(6) of subsection (a), an "election cycle" means a two-year general election cycle.

## **§ 2942. Exceptions**

The contribution limitations established by this subchapter shall not apply to contributions to a political committee made for the purpose of advocating a position on a public question, including a constitutional amendment.

### **§ 2943. Limitations adjusted for inflation**

The contribution limitations contained in this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

### **§ 2944. Accountability for related expenditures**

(a) A related campaign expenditure made on a candidate's behalf shall be considered a contribution to the candidate on whose behalf it was made.

(b) As used in this section, a "related campaign expenditure made on the candidate's behalf" means any expenditure intended to promote the election of a specific candidate or group of candidates or the defeat of an opposing candidate or group of candidates if intentionally facilitated by, solicited by, or approved by the candidate or the candidate's committee.

(c)(1) An expenditure made by a political party or by a political committee that recruits or endorses candidates that primarily benefits six or fewer candidates who are associated with the political party or political committee making the expenditure is presumed to be a related expenditure made on behalf of those candidates, except that the acquisition, use, or dissemination of the images of those candidates by the political party or political committee shall not be presumed to be a related expenditure made on behalf of those candidates.

(2) An expenditure made by a political party or by a political committee that recruits or endorses candidates that substantially benefits more than six candidates and facilitates party or political committee functions, voter turnout, platform promotion, or organizational capacity shall not be presumed to be a related expenditure made on a candidate's behalf.

(d) As used in this section, an expenditure by a person shall not be considered a "related expenditure made on the candidate's behalf" if:

(1)(A) All of the following apply:

(i) the expenditure was made in connection with a campaign event whose purpose was to provide a group of voters with the opportunity to meet a candidate;

(ii) the expenditure was made for:

(I) invitations and any postage for those invitations to invite voters to the event; or

(II) any food or beverages consumed at the event and any related supplies thereof; and

(iii) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

(B) For the purposes of this subdivision (1):

(i) if the cumulative value of any expenditure by a person made under this subsection exceeds \$500.00 per event, the amount equal to the difference between the two shall be considered a "related expenditure made on the candidate's behalf"; and

(ii) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(2) All of the following apply:

(A) the expenditure is for an electioneering communication that promotes or supports all of the candidates who are named or pictured in it and no other candidates, and those candidates named or pictured:

(i) have filed or been nominated as described in subdivision 2901(1)(B) of this chapter for a legislative, county, or local office;

(ii) are on the same ballot for the same election; and

(iii) each make an expenditure for the electioneering communication of an equal amount in order to share the cost of the electioneering communication equally; and

(B) no other person has made an expenditure for the electioneering communication.

(e)(1) A candidate may seek a determination that an expenditure is a related expenditure made on behalf of an opposing candidate by filing a petition with the Superior Court of the county in which either candidate resides.

(2) Within 24 hours of the filing of a petition, the court shall schedule the petition for hearing. Except as to cases the court considers of greater importance, proceedings before the Superior Court, as authorized by this section, and appeals from there take precedence on the docket over all other cases and shall be assigned for hearing and trial or for argument at the earliest practicable date and expedited in every way.

(3) The findings and determination of the court shall be prima facie evidence in any proceedings brought for violation of this chapter.

(f) The Secretary of State may adopt rules necessary to administer the provisions of this section.

#### **§ 2945. Accepting contributions**

(a) A candidate, political committee, or political party accepts a contribution when the contribution is deposited in the candidate's, committee's, or party's campaign account or five business days after the candidate, committee, or party receives it, whichever comes first.

(b) A candidate, political committee, or political party shall not accept a monetary contribution in excess of \$100.00 unless made by check, credit or debit card, or other electronic transfer.

#### **§ 2946. Candidate's attribution to previous cycle**

A candidate's expenditures related to a previous campaign and contributions used to retire a debt of a previous campaign shall be attributed to the earlier campaign.

#### **§ 2947. Contributions from a candidate**

This subchapter shall not be interpreted to limit the amount a candidate may contribute to his or her own campaign.

#### **§ 2948. Prohibition on transferring contributions**

A candidate, political committee, or political party shall not accept a contribution which the candidate, political committee, or political party knows is not directly from the contributor but was transferred to the contributor by another person for the purpose of transferring the same to the candidate, political committee, or political party or otherwise circumventing the provisions of this chapter. It shall be a violation of this chapter for a person to make a contribution with the explicit or implicit understanding that the contribution will be transferred in violation of this section.

#### **§ 2949. Use of term "candidate"**

As used in this subchapter, the term "candidate" includes the candidate's committee, except in regard to the provisions of section 2947 of this subchapter.

#### **§ 2950. State officers and state office candidates; contractor contribution restrictions**

(a) Contributor restrictions on contracting.

(1) If a person makes a contribution to a State officer or a candidate for a State office, or if his, her, or its principal or spouse makes such a contribution, that person shall not negotiate or

enter into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate at \$100,000.00 or more with that State office or with the State on behalf of that office within one year following:

(A) that contribution, if the contribution was made to the incumbent State officer;

or

(B) the beginning of the term of the office, if the contribution was made to a candidate for the State office who is not the incumbent.

(2) The prohibition set forth in subdivision (1) of this subsection shall end after the applicable one-year period described in subdivision (1) or upon the State officer vacating the office, whichever occurs first.

(b) Contractor restrictions on contributions.

(1)(A) A person who enters into a sole source contract valued at \$50,000.00 or more or multiple sole source contracts valued in the aggregate of \$100,000.00 or more with the office of a state officer or with the State on behalf of that office, or that person's principal or spouse, shall not make a contribution to a candidate for that State office or to that State officer.

(B) The candidate for State office or his or her candidate's committee or the state officer shall not solicit or accept a contribution from a person if that candidate, candidate's committee, or State officer knows the person is prohibited from making that contribution under this subdivision (1).

(2) The prohibitions set forth in subdivision (1) of this subsection shall be limited to a period beginning from the date of execution of the contract and ending with the completion of the contract.

(c) As used in this section:

(1) "Contract" means a "contract for services," as that term is defined in 3 V.S.A. § 341.

(2) "Person's principal" means an individual who:

(A) has controlling interest in the person, if the person is a business entity;

(B) is the president, chair of the board, or chief executive officer of a business entity or is any other individual that fulfills equivalent duties as a president, chair of the board, or chief executive officer of a business entity;

(C) is an employee of the person and has direct, extensive, and substantive responsibilities with respect to the negotiation of the contract; or

(D) is an employee of a business entity whose compensation is determined directly, in whole or part, by the award or payment of contracts by the State to the entity employing the employee. A regular salary that is paid irrespective of the award or payment of a contract with the State shall not constitute “compensation” under this subdivision (D).

#### **Subchapter 4: Reporting Requirements; Disclosures**

##### **§ 2961. Submission of reports to the Secretary of State**

(a) The Secretary of State shall provide on the online database set forth in section 2906 of this chapter digital access to the form that he or she provides for any report required by this chapter. Digital access shall enable any person required to file a report under this chapter to file the report by completing and submitting the report to the Secretary of State online.

(2) The Secretary of State shall maintain on the online database all reports that have been filed digitally on it so that any person may have direct machine-readable electronic access to the individual data elements in each report and the ability to search those data elements as soon as a report is filed.

(b) Any person required to file a report with the Secretary of State under this chapter shall file the report digitally on the online database. Notwithstanding the definition of "file" set forth in section 2103 of this title, such a report is required to be filed on or before the day provided in this chapter.

Notwithstanding the definition of "file" set forth in section 2103 of this title, such a report is required to be filed on or before the day provided in this chapter.

##### **§ 2962. Reports; general provisions**

(a) Any report required to be submitted to the Secretary of State under this chapter shall contain the statement "I hereby certify that the information provided on all pages of this campaign finance disclosure report is true to the best of my knowledge, information, and belief" and places for the signature of the candidate or the treasurer of the candidate, political committee, or political party.

(b) Any person required to file a report under this chapter shall provide the information required in the Secretary of State's reporting form. Disclosure shall be limited to the information required to administer this chapter.

(c) [Repealed.]

##### **§ 2963. Campaign reports; Secretary of State; forms; filing**

(a) The Secretary of State shall prescribe and provide a uniform reporting form for all campaign finance reports. The reporting form shall be designed to show the following information:

(1) the full name, town of residence, and mailing address of each contributor who contributes an amount in excess of \$100.00, the date of the contribution, and the amount contributed;

(2) the total amount of all contributions of \$100.00 or less and the total number of all contributors making such contributions;

(3) each expenditure listed by amount, date, to whom paid, for what purpose; and

(A) if the expenditure was a related campaign expenditure made on a candidate's behalf:

(i) the name of the candidate or candidates on whose behalf the expenditure was made; and

(ii) the name of any other candidate or candidates who were otherwise supported or opposed by the expenditure; or

(B) if the expenditure was not a related campaign expenditure made on a candidate's behalf but was made to support or oppose a candidate or candidates, the name of the candidate or candidates;

(4) the amount contributed or loaned by the candidate to his or her own campaign during the reporting period; and

(5) each debt or other obligation, listed by amount, date incurred, to whom owed, and for what purpose, incurred during the reporting period.

(b)(1) The form shall require the reporting of all contributions and expenditures accepted or spent during the reporting period and during the campaign to date and shall require full disclosure of the manner in which any indebtedness is discharged or forgiven.

(2) Contributions and expenditures for the reporting period and for the campaign to date also shall be totaled in an appropriate place on the form. The total of contributions shall include a subtotal of nonmonetary contributions and a subtotal of all monetary contributions.

(3) The form shall contain a list of the required filing times so that the person filing may designate for which time period the filing is made.

(4) Contributions accepted and expenditures spent after 5:00 p.m. on the third day prior to the filing deadline shall be reported on the next report.

**§ 2964. Campaign reports; candidates for State office, the General Assembly, and county office; political committees; political parties**

(a)(1) Each candidate for State office, the General Assembly, or a two-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle and, except as provided in subsection (b) of this section, each political committee that has not filed a final report pursuant to subsection 2965(b) of this chapter, and each political party required to register under section 2923 of this chapter shall file with the Secretary of State campaign finance reports as follows:

(A) in the first year of the two-year general election cycle, on July 1; and

(B) in the second year of the two-year general election cycle:

(i) on March 15;

(ii) on July 1 and August 1;

(iii) on September 1;

(iv) on October 1, October 15, and the Friday before the general election; and

(v) two weeks after the general election.

(2) Each candidate for a four-year-term county office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle shall file with the Secretary of State campaign finance reports as follows:

(A) in the first three years of the four-year general election cycle, on July 1; and

(B) in the fourth year of the four-year general election cycle:

(i) on March 15;

(ii) on July 1 and August 1;

(iii) on September 1;

(iv) on October 1, October 15, and the Friday before the general election; and

(v) two weeks after the general election.

(b)(1) A political committee or a political party which has accepted contributions or made expenditures of \$1,000.00 or more during the local election cycle for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election shall file with the Secretary of State campaign finance reports regarding that local election 30 days before, 10 days before, and two weeks after the local election.

(2) As used in this subsection, "local election cycle" means:

(A) in the case of a local election, the period that begins 38 days after the local election prior to the one for which the contributions or expenditures were made and ends 38 days after the local election for which the contributions or expenditures were made, and includes any primary or run-off election related to that local election; or

(B) in the case of a special local election, the period that begins on the date the special local election was ordered and ends 38 days after that special local election, and includes any special primary or run-off election related to that special local election.

(c) The failure of a candidate, political committee, or political party to file a report under this section shall be deemed an affirmative statement that a report is not required of the candidate, political committee, or political party under this section.

### **§ 2965. Final reports; candidates for State office, the General Assembly, and county office; political committees; political parties; end-of-cycle reports for political committees and political parties**

(a) At any time, but not later than December 15th following the general election, each candidate required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State a "final report" that lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(b)(1) At any time, but not later than December 15th following the general election, each political committee or political party that has not filed a final report as set forth in subdivision (2) of this subsection shall file an end-of-cycle report that lists a complete accounting of all contributions and expenditures since the last report.

(2) At any time, a political committee or a political party may file a "final report" which lists a complete accounting of all contributions and expenditures since the last report and liquidation of surplus and which shall constitute the termination of its campaign activities.

### **§ 2966. Reports by candidates not reaching monetary reporting threshold**

(a) Each candidate for State office, the General Assembly, or a two-year-term county office who was not required to report under the provisions of section 2964 of this subchapter shall file with

the Secretary of State 10 days following the general election a statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not made expenditures or accepted contributions of \$500.00 or more during the two-year general election cycle.

(b) Each candidate for a four-year-term county office who was not required to report under the provisions of section 2964 of this subchapter shall file with the Secretary of State 10 days following the general election a statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not made expenditures or accepted contributions of \$500.00 or more during the four-year general election cycle.

### **§ 2967. Additional campaign reports; candidates for State office and the General Assembly**

(a) In addition to any other reports required to be filed under this chapter, a candidate for State office or for the General Assembly who accepts a monetary contribution in an amount over \$2,000.00 within 10 days of a primary or general election shall report the contribution to the Secretary of State within 24 hours of receiving the contribution.

(b) A report required by this section shall include the following information:

(1) the full name, town of residence, and mailing address of the contributor; the date of the contribution; and the amount contributed; and

(2) the amount contributed or loaned by the candidate to his or her own campaign.

### **§ 2968. Campaign reports; local candidates**

(a) Each candidate for local office who has rolled over any amount of surplus into his or her new campaign or who has made expenditures or accepted contributions of \$500.00 or more since the last local election for that office shall file with the Secretary of State campaign finance reports 30 days before, 10 days before, four days before and two weeks after the local election.

(b) Within 40 days after the local election, each candidate for local office required to report under the provisions of subsection (a) of this section shall file with the Secretary of State a "final report" which lists a complete accounting of all contributions and expenditures since the last report and a liquidation of surplus and which shall constitute the termination of his or her campaign activities.

(c) The failure of a local candidate to file a campaign finance report under this section shall be deemed an affirmative statement that the candidate either did not roll over any amount of surplus into his or her new campaign or has not accepted contributions or made expenditures of \$500.00 or more since the last local election for that office

### **§ 2969. Reporting of surplus maintenance by former candidates**

A former candidate who has maintained surplus by carrying it forward as provided in subdivision 2924(d)(1)(B) of this chapter but who is not otherwise required to file campaign reports under this chapter shall file a report of the amount of his or her surplus and any liquidation of it two weeks after each general election until liquidation of all surplus has been reported.

### **§ 2970. Campaign reports; other entities; public questions**

(a) Any formal or informal committee of two or more individuals or a corporation, labor organization, public interest group, or other entity, not including a political party, which makes expenditures of \$1,000.00 or more during the election cycle for the purpose of advocating a position on a public question in any election shall file a report of its expenditures 30 days before, 10 days before, and two weeks after the election with the Secretary of State.

(b) As used in this section, "election cycle" means:

(1) in the case of a public question in a general or local election, the period that begins 38 days after the general or local election prior to the one in which the public question is posed and ends 38 days after the general or local election in which the public question is posed; or

(2) in the case of a public question in a special election, the period that begins on the date the special election for the public question was ordered and ends 38 days after that special election.

### **§ 2971. Report of mass media activities**

(a)(1) In addition to any other reports required to be filed under this chapter, a person who makes expenditures for any one mass media activity totaling \$500.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each activity, file a mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The mass media report shall be filed and the copy of the report shall be sent within 24 hours of the expenditure or activity, whichever occurs first. For the purposes of this section, a person shall be treated as having made an expenditure if the person has executed a contract to make the expenditure.

(b) The report shall identify the person who made the expenditure; the name of each candidate whose name or likeness was included in the activity; the amount and date of the expenditure; to whom it was paid; and the purpose of the expenditure.

(c) If the activity occurs within 45 days before the election and the expenditure was previously reported, an additional report shall be required under this section.

(d)(1) In addition to the reporting requirements of this section, an independent expenditure-only political committee that makes an expenditure for any one mass media activity totaling \$5,000.00 or more, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter, within 45 days before a primary, general, county, or local election shall, for each such activity and within 24 hours of the expenditure or activity, whichever occurs first, file an independent expenditure-only political committee mass media report with the Secretary of State and send a copy of the report to each candidate whose name or likeness is included in the activity without that candidate's knowledge.

(2) The copy of the mass media report shall be sent by e-mail to each such candidate who has provided the Secretary of State with an e-mail address on his or her consent form and to any other such candidate by mail.

(3) The report shall include all of the information required under subsection (b) of this section, as well as the names of the contributors, dates, and amounts for all contributions in excess of \$100.00 accepted since the filing of the committee's last report.

### **§ 2972. Identification in electioneering communications**

(a) An electioneering communication shall contain the name and mailing address of the person, candidate, political committee, or political party that paid for the communication. The name and address shall appear prominently and in a manner such that a reasonable person would clearly understand by whom the expenditure has been made, except that:

(1) An audio electioneering communication and paid for by a candidate does not need to contain the candidate's address.

(2) An electioneering communication paid for by a person acting as an agent or consultant on behalf of another person, candidate, political committee, or political party shall clearly designate the name and mailing address of the person, candidate, political committee, or political party on whose behalf the communication is published or broadcast.

(b) If an electioneering communication is a related campaign expenditure made on a candidate's behalf as provided in section 2944 of this chapter, then in addition to other requirements of this section, the communication shall also clearly designate the candidate on whose behalf it was made by including language such as "on behalf of" such candidate.

(c)(1) In addition to the identification requirements in subsections (a) and (b) of this section, an electioneering communication paid for by or on behalf of a political committee or political party shall contain the name of any contributor who contributed more than 25 percent of all contributions and more than \$2,000.00 to that committee or party since the beginning of the two-year general election cycle in which the electioneering communication was made to the date on which the expenditure for the electioneering communication was made.

(2) For the purposes of this subsection, a political committee or political party shall be treated as having made an expenditure if the committee or party or person acting on behalf of the committee or party has executed a contract to make the expenditure.

(d) If it is not practicable to meet the identification requirements of this section within an electioneering communication that is broadcast over the Internet, such an electioneering communication shall contain a link that shall be clear and conspicuous and that, if clicked, takes the reader to a web page or social media page that provides all of the identification information that is required by this section.

(e) The identification requirements of this section shall not apply to lapel stickers or buttons, nor shall they apply to electioneering communications made by a single individual acting alone who spends, in a single two-year general election cycle, a cumulative amount of not more than \$150.00 on those electioneering communications, adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.

### **§ 2973. Specific identification requirements for radio, television, or Internet communications**

(a) In addition to the identification requirements set forth in section 2972 of this subchapter, a person, candidate, political committee, or political party that makes an expenditure for an electioneering communication shall include in any communication that is transmitted through radio, television, or online video, in a clearly spoken manner, an audio statement of the name and title of the person who paid for the communication and that the person paid for the communication.

(b) If the person who paid for the communication is not an individual, the audio statement required by this section shall include the name of that person and the name and title of the treasurer in the case of a political committee or political party or the principal officer in the case of any other person that is not an individual..

## **Subchapter 5: Public Financing Option**

### **§ 2981. Definitions**

As used in this subchapter:

(1) "Affidavit" means the Vermont campaign finance affidavit required under section 2982 of this chapter.

(2) "General election period" means the period beginning the day after the primary election and ending the day of the general election.

(3) "Primary election period" means the period beginning the day after primary petitions must be filed under section 2356 of this title and ending the day of the primary election.

(4) "Vermont campaign finance qualification period" means the period beginning February 15 of each even-numbered year and ending on the date on which primary petitions must be filed under section 2356 of this title.

### **§ 2982. Filing of Vermont campaign finance affidavit**

(a) A candidate for the office of Governor or Lieutenant Governor who intends to seek Vermont campaign finance grants from the Secretary of State Services Fund shall file a Vermont campaign finance affidavit on the date on or before which primary petitions must be filed, whether the candidate seeks to enter a party primary or is an independent candidate.

(b) The Secretary of State shall prepare a Vermont campaign finance affidavit form, informational materials on procedures and financial requirements, and notification of the penalties for violation of this subchapter.

(c)(1) The Vermont campaign finance affidavit shall set forth the conditions of receiving grants under this subchapter and provide space for the candidate to agree that he or she will abide by such conditions and all expenditure and contribution limitations, reporting requirements, and other provisions of this chapter.

(2) The affidavit shall also state the candidate's name, legal residence, business or occupation, address of business or occupation, party affiliation, if any, the office sought, and whether the candidate intends to enter a party primary.

(3) The affidavit shall also contain a list of all the candidate's qualifying contributions together with the name and town of residence of the contributor and the date each contribution was made.

(4) The affidavit may further require affirmation of such other information as deemed necessary by the Secretary of State for the administration of this subchapter.

(5) The affidavit shall be sworn and subscribed to by the candidate.

### **§ 2983. Vermont campaign finance grants; conditions**

(a) A person shall not be eligible for Vermont campaign finance grants if, prior to February 15 of the general election year during any two-year general election cycle, he or she becomes a candidate by announcing that he or she seeks an elected position as Governor or Lieutenant Governor or by accepting contributions totaling \$2,000.00 or more or by making expenditures totaling \$2,000.00 or more.

(b) A candidate who accepts Vermont campaign finance grants shall:

(1) not solicit, accept, or expend any contributions except qualifying contributions, Vermont campaign finance grants, and contributions authorized under section 2985 of this chapter, which contributions may be solicited, accepted, or expended only in accordance with the provisions of this subchapter;

(2) deposit all qualifying contributions, Vermont campaign finance grants, and any contributions accepted in accordance with the provisions of section 2985 of this chapter in a federally insured noninterest-bearing checking account; and

(3) not later than 40 days after the general election, deposit in the Secretary of State Services Fund, after all permissible expenditures have been paid, the balance of any amounts remaining in the account established under subdivision (2) of this subsection.

### **§ 2984. Qualifying contributions**

(a) In order to qualify for Vermont campaign finance grants, a candidate for the office of Governor or Lieutenant Governor shall obtain during the Vermont campaign finance qualification period the following amount and number of qualifying contributions for the office being sought:

(1) for Governor, a total amount of no less than \$35,000.00 collected from no fewer than 1,500 qualified individual contributors making a contribution of no more than \$50.00 each; or

(2) for Lieutenant Governor, a total amount of no less than \$17,500.00 collected from no fewer than 750 qualified individual contributors making a contribution of no more than \$50.00 each.

(b) A candidate shall not accept more than one qualifying contribution from the same contributor and a contributor shall not make more than one qualifying contribution to the same candidate in any Vermont campaign finance qualification period. For the purpose of this section, a qualified individual contributor means an individual who is registered to vote in Vermont. No more than 25 percent of the total number of qualified individual contributors may be residents of the same county.

(c) Each qualifying contribution shall indicate the name and town of residence of the contributor and the date accepted and be acknowledged by the signature of the contributor.

(d) A candidate may retain and expend qualifying contributions obtained under this section. A candidate may expend the qualifying contributions for the purpose of obtaining additional qualifying contributions and may expend the remaining qualifying contributions during the primary and general election periods. Amounts expended under this subsection shall be considered expenditures for purposes of this chapter.

### **§ 2985. Vermont campaign finance grants; amounts; timing**

(a)(1) The Secretary of State shall make grants from the Secretary of State Services Fund in separate grants for the primary and general election periods to candidates who have qualified for Vermont campaign finance grants under this subchapter.

(2) To cover any campaign finance grants to candidates who have qualified under this subchapter, the Secretary of State shall report to the Commissioner of Finance and Management, who shall anticipate receipts to the Services Fund and issue warrants to pay for those grants. The Commissioner shall report any such anticipated receipts and warrants issued under this subdivision to the Joint Fiscal Committee on or before December 1 of the year in which the warrants were issued.

(b) Whether a candidate has entered a primary or is an independent candidate, Vermont campaign finance grants shall be in the following amounts:

(1) For Governor, \$150,000.00 in a primary election period and \$450,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions.

(2) For Lieutenant Governor, \$50,000.00 in a primary election period and \$150,000.00 in a general election period, provided that the grant for a primary election period shall be reduced by an amount equal to the candidate's qualifying contributions;

(3) A candidate who is an incumbent of the office being sought shall be entitled to receive a grant in an amount equal to 85 percent of the amount listed in subdivision (1) or (2) of this subsection.

(c) In an uncontested general election and in the case of a candidate who enters a primary election and is unsuccessful in that election, an otherwise eligible candidate shall not be eligible for a general election period grant. However, such candidate may solicit and accept contributions and make expenditures as follows: contributions shall be subject to the limitations set forth in subchapter 3 of this chapter, and expenditures shall be limited to an amount equal to the amount of the grant set forth in subsection (b) of this section for the general election for that office.

(d) Grants awarded in a primary election period but not expended by the candidate in the primary election period may be expended by the candidate in the general election period.

(e) Vermont campaign finance grants for a primary election period shall be paid to qualifying candidates within the first 10 business days of the primary election period. Vermont campaign finance grants for a general election period shall be paid to qualifying candidates during the first 10 business days of the general election period.

#### **§ 2986. Monetary amounts adjusted for inflation**

The monetary amounts contained in sections 2983-2985 of this subchapter shall be adjusted for inflation pursuant to the Consumer Price Index as provided in section 2905 of this chapter.