

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 2016 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 (will.senning@sec.state.vt.us) or by writing the Office of the Secretary of State 128 State Street, Montpelier, VT. 05633-1101

TITLE SEVENTEEN

ELECTIONS

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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 ..."

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§ 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.

Ch. 31 **CONVENTIONS TO AMEND U.S. CONSTITUTION**

§ 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 1: 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. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 32; 2013, No. 161 (Adj. Sess.), § 61.)

Subchapter 2: Ratification

§ 1841. Constitutional requirements

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 2 of the Constitution, shall be submitted to the people of the state for their ratification and adoption in the manner provided in this chapter. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972.)

§ 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 freemen 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 freemen of each town or city shall vote on the article of amendment whether the warning contains the foregoing article or not. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 33.)

Ch. 32 **PUBLICATION AND RATIFICATION OF ARTICLES OF AMENDMENT TO VERMONT CONSTITUTION**

§ 1843. Process of voting, making returns, conduct of meetings

At those meetings the freemen may vote by ballot for or against the article of amendment. The same officer shall preside in each such meeting as provided in section 2680 of this title. The board of civil authority shall, in open meeting, receive, sort, and count the votes of the freemen 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. The ballot boxes for the reception of votes on the article of amendment shall be opened and shall close as provided in section 2561 of this title. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 34.)

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

- (a) 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. 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 freemen and freewomen upon the proposal of amendment. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 35; 2013, No. 161 (Adj. Sess.), § 62.)

§ 1845. Qualifications of voters; checklists, booths, clerks

The qualifications of voters on the proposal of amendment shall be the same as those required of voters at general elections under sections 2121-2126 of this title and sections 2141-2150 of this title relating to checklists shall apply, but the checklist specified in section 2141 of this title to be used at the meetings under this act shall be prepared and posted at least 30 days before the first Tuesday after the first Monday in November, in even-numbered years. Voting booths shall be prepared and the ballot clerks and assisting clerks shall be appointed, as in case of general elections. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 6.)

§ 1845a. Omitted.

Ch. 32 **PUBLICATION AND RATIFICATION OF ARTICLES OF AMENDMENT TO VERMONT CONSTITUTION**

§ 1846. Failure to post checklists

The failure of the selectmen of any town, or the proper officers of any city, to prepare and post checklists of the freemen of the town or city at least 30 days before the first Tuesday after the first Monday in November, in even-numbered years, as provided by section 1845 of this title, shall not invalidate the votes given by the freemen of the town or city upon the proposed article of amendment. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 36.)

§ 1847. Repealed. 1981, No. 239 (Adj. Sess.), § 37, eff. July 1, 1982.

§ 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 title; and if it appears therefrom that the article of amendment has been ratified and adopted by a majority of the freemen 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. (Added 1971, No. 211 (Adj. sess.), § 2, eff. April 3, 1972; amended 1981, No. 239 (Adj. Sess.), § 38.)

§ 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 magistrates and 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. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972.)

§ 1850. Transmission of copies of act and forms to clerks

The secretary of state shall send to the clerk of each city and town a copy of this act. 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 title, send to the clerk of each city and town ballots provided for in section 1844 of this title and blank forms for the returns of votes on the article of amendment. (Added 1971, No. 211 (Adj. Sess.), § 2, eff. April 3, 1972.)

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, Pantton, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, Weybridge, and Whiting.....two;

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

(3) **Caledonia senatorial district**, composed of the towns of Barnet, Bradford, Burke, Danville, Fairlee, Groton, Hardwick, Kirby, Lyndon, Newark, Newbury, Orange, Peacham, Ryegate, St. Johnsbury, Sheffield, Stannard, Sutton, Topsham, Walden, Waterford, West Fairlee, and Wheelock..... two;

(4) **Chittenden senatorial district**, composed of the towns of Bolton, Burlington, Charlotte, Essex, Hinesburg, Jericho, Milton, Richmond, St. George, Shelburne, South Burlington, Underhill, Westford, Williston, and Winooski..... six;

(5) **Essex-Orleans senatorial district**, composed of the towns of Albany, Averill, Avery's Gore, Barton, Bloomfield, Brighton, Brownington, Brunswick, Canaan, Charleston, Concord, Coventry, Craftsbury, Derby, East Haven, Ferdinand, Glover, Granby, Greensboro, Guildhall, Holland, Irasburg, Jay, Lemington, Lewis, Lowell, Lunenburg, Maidstone, Montgomery, Morgan, Newport City, Newport Town, Norton, Richford, Troy, Victory, Warner's Grant, Warren Gore, Westfield, Westmore, and Wolcott..... two;

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

(7) **Grand Isle senatorial district**, composed of the towns of Colchester, Grand Isle, Isle La Motte, North Hero, and South Hero..... one;

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

(9) **Orange senatorial district**, composed of the towns of Braintree, Brookfield, Chelsea, Corinth, Randolph, Strafford, Thetford, Tunbridge, Vershire, Washington, and Williamstown.....one;

(10) **Rutland senatorial district**, composed of the towns of Benson, Brandon, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Killington, Mendon, Middletown Springs, Mt. Tabor, Pawlet, Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town, Shrewsbury, Sudbury, Tinmouth, Wallingford, Wells, West Haven, and West Rutland..... three;

(11) **Washington senatorial district**, composed of the towns of Barre City, Barre Town, Berlin, Cabot, Calais, Duxbury, East Montpelier, Fayston, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, 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, Somerset, Stratton, 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, Londonderry, Ludlow, Mt. Holly, Norwich, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Springfield, Stockbridge, Weathersfield, Weston, West Windsor, Windsor, and Woodstock..... three. (Amended 1962, No. 5 (Sp. Sess.), § 1, eff. Aug. 9, 1962; 1965, No. 96, § 1; 1971, No. 248 (Adj. Sess.); 1973, No. 80, § 1, eff. June 1, 1973, see note set out below; 1981, No. 131 (Adj. Sess.), § 1, eff. July 1, 1982, see note set out below; 1991, No. 217 (Adj. Sess.), § 1, eff. May 22, 1992; 2001, No. 151 (Adj. Sess.), § 52, eff. June 27, 2002; 2011, No. 93 (Adj. Sess.), § 3, eff. May 1, 2012.)

§ 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) 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. 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. 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. In senatorial districts, the ballots for Senator in the General Assembly shall be separate from those for other county officers.

(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. (Added 1965, No. 187, § 2; amended 1975, No. 189 (Adj. Sess.), § 15; 2013, No. 161 (Adj. Sess.), § 69.)

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. (1965, No. 98, § 2; amended 1981, No. 30, § 1, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment.)

§ 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. (1965, No. 187, § 3; amended 1973, No. 210 (Adj. Sess.), § 3, eff. date, see note set out below; 1981, No. 30, § 6, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment; 1981, No. 239 (Adj. Sess.), § 7; 1991, No. 116 (Adj. Sess.), § 1, eff. Feb. 13, 1992.)

§ 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. (1965, No. 98, § 3.)

Ch. 34 **APPORTIONMENT OF STATE REPRESENTATIVES**

§ 1893. Initial division

The state is divided into the following initial districts, each of which shall be entitled to the indicated number of representatives:

District	Towns and Cities	Representatives
ADDISON-1:	Middlebury	2
ADDISON-2:	Cornwall, Goshen, Hancock, Leicester, Ripton, and Salisbury.....	1
ADDISON-3:	Addison, Ferrisburgh, Panton, Vergennes, and Waltham.....	2
ADDISON-4:	Bristol Lincoln, Monkton, and Starksboro	2
ADDISON-5:	Bridport, New Haven, and Weybridge	1
ADDISON-RUTLAND:	Benson, Orwell, Shoreham, and Whiting	1
BENNINGTON-1:	Pownal and Woodford	1
BENNINGTON- 2-1:	That portion of Bennington not included in BENNINGTON-2-2....	2
BENNINGTON-2-2:	That portion of the town of Bennington encompassed within a boundary beginning at the point where the boundary line of Bennington and Pownal intersects with VT Route 7; then northerly along the eastern side of the centerline of VT 7 to the intersection of Monument Avenue; then northerly along the eastern side of the centerline of Monument Avenue to the intersection of Dewey Street; then northerly along the eastern side of centerline of Dewey Street to the intersection of West Main Street; then southeasterly on the southern side of the centerline of West Main Street to the intersection of North Street; then northerly along the eastern side of the centerline of North Street to the intersection of County Street; then easterly along the southern side of the centerline of County Street to the intersection of Park Street; then northerly along the eastern side of the centerline of Park Street to the intersection with Roaring Branch River; then easterly along the centerline of the river to the intersection with VT Route 9; then easterly along the southern side of the centerline of VT 9 to the boundary of the town of Woodford; then southerly along the Woodford town line to the boundary of the town of Pownal; then westerly along the Pownal town line to the point of beginning	2

Ch. 34 **APPORTIONMENT OF STATE REPRESENTATIVES**

District	Towns and Cities	Representatives
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BENNINGTON-3: Glastenbury, Shaftsbury, and that portion of the town of Sunderland encompassed within a boundary beginning at the point where the boundary line of Sunderland and Glastenbury intersects with VT Route 7; then northerly along the eastern side of the centerline of VT 7 to the intersection of North Road; then northerly along the eastern side of the centerline of North Road to the intersection of Borough Road; then northerly along the eastern side of the centerline of Borough Road to the intersection of Sunderland Hill Road; then northeasterly along the southern side of the centerline of Sunderland Hill Road to the boundary of the town of Manchester; then easterly along the Manchester town line to the boundary of the town of Winhall; then easterly along the Winhall town line to the boundary of the town of Stratton; then southerly along the Stratton town line to the boundary of Glastenbury; then westerly along the Glastenbury town line to the point of beginning1

BENNINGTON-4: Arlington, Manchester, Sandgate, and that portion of the town of Sunderland not in BENNINGTON-32

BENNINGTON-RUTLAND: Danby, Dorset, Landgrove, Mount Tabor, and Peru.....1

CALEDONIA-1: Barnet, Ryegate, and Waterford1

CALEDONIA-2: Hardwick, Stannard, and Walden1

CALEDONIA-3: St. Johnsbury2

CALEDONIA-4: Burke, Lyndon, and Sutton2

CALEDONIA-WASHINGTON: Cabot, Danville, and Peacham1

CHITTENDEN-1: Richmond1

CHITTENDEN-2: Williston2

CHITTENDEN-3: Jericho and Underhill2

CHITTENDEN-4-1: Charlotte and that portion of the town of Hinesburg encompassed within a boundary beginning at the point where the boundary line of Hinesburg and Charlotte intersects with Drinkwater Road; then easterly along the southern side of the centerline of Drinkwater 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 Monkton town line to the boundary of Charlotte; then northerly along the Charlotte town line to the point of beginning1

Ch. 34 **APPORTIONMENT OF STATE REPRESENTATIVES**

District	Towns and Cities	Representatives
CHITTENDEN-4-2:	Hinesburg, except that portion of the town in CHITTENDEN-4-1..1	
CHITTENDEN-5:	Shelburne and St. George	2
CHITTENDEN-6:	Burlington and Winooski	12
CHITTENDEN-7:	South Burlington	4
CHITTENDEN-8-1:	That portion of the town of Essex not included in CHITTENDEN-8-2 or 8-3	2
CHITTENDEN-8-2:	The village of Essex Junction, except that portion of the village encompassed within a boundary beginning at the point where Pearl Street intersects with Warner Avenue; then northerly along the western side of the centerline of Warner Avenue to the intersection with Sunderland Brook; then northwesterly along the southern side of the centerline of Sunderland Brook to the intersection with Susie Wilson Road and Pearl Street; then Southeasterly along the northern side of the centerline of Pearl Street to the point of beginning	2
CHITTENDEN-8-3:	Westford and that portion of the town of Essex encompassed within a boundary beginning at the point where the boundary line of Essex and the town of Colchester intersects with Curve Hill Road; then southeasterly along the northern side of the centerline of Curve Hill Road to the intersection of Lost Nation Road; then southeasterly along the northern side of the centerline of Lost Nation Road to the intersection of Old Stage Road; then northerly along the western side of the centerline of Old Stage Road to the intersection of Towers Road; then southeasterly along the northern side of the centerline of Towers Road to the intersection of Brown's River Road; then easterly along the northern side of the centerline of Brown's River Road to the intersection of Weed Road; then easterly along the northern side of the centerline of Weed Road to the intersection of Jericho Road; then easterly along the northern side of the centerline of Jericho Road to the boundary of the town of Jericho; then northeasterly along the Jericho town line to the boundary of Westford; then westerly along the Westford town line to the boundary of Colchester; then southwesterly along the Colchester town line to the point of beginning	1
CHITTENDEN-9:	Colchester	4
CHITTENDEN-10:	Milton, except the portion of town in GRAND ISLE-CHITTENDEN..	2
ESSEX-CALEDONIA:	Brunswick, Concord, Granby, Guildhall, Kirby, Lunenburg, Maidstone, and Victory	1

Ch. 34 APPORTIONMENT OF STATE REPRESENTATIVES

District	Towns and Cities	Representatives
ESSEX-CALEDONIA- ORLEANS:	Averill, Avery's Gore, Bloomfield, Brighton, Canaan, East Haven, Ferdinand, Lemington, Lewis, Newark, Norton, Warner's Grant, Warren Gore, and Westmore	1
FRANKLIN-1:	Georgia	1
FRANKLIN-2:	Fairfax	1
FRANKLIN-3-1:	St. Albans City and that portion of St. Albans Town encompassed within a boundary beginning at the easternmost point where the boundary line of St. Albans City and St. Albans Town intersects with Vermont Route 36, then easterly along the southern side of the centerline of VT 36 to the intersection of Interstate 89; then southerly along the western side of the centerline of Interstate 89 to the boundary of the town of Fairfield; then southwesterly along the Fairfield town line to the point where the boundary lines of St. Albans Town, Fairfield, Fairfax, and Georgia meet; then northwesterly along the boundary of the town of Georgia to the intersection of Vermont Route 7; then northerly along the eastern side of the centerline of VT 7 to the point where the boundary line of St. Albans Town and St. Albans City meets at Parsons Avenue; then counterclockwise along the boundary line of St. Albans Town and St. Albans City to the point of beginning	2
FRANKLIN-3-2:	St. Albans Town, except the portion of the town in FRANKLIN-3-1 ...	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
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 mouth of the Lamoille River and Lake Champlain; then along the river upstream to the Interstate 89 bridge crossing the Lamoille River; then northerly along the centerline of Interstate 89 to the boundary of the town of Georgia; then along the Georgia town line to Lake Champlain; then southerly along the lakeshore to the point of beginning	2
LAMOILLE-1:	Stowe	1
LAMOILLE-2:	Belvidere, Hyde Park, Johnson, and Wolcott	2

Ch. 34 **APPORTIONMENT OF STATE REPRESENTATIVES**

District	Towns and Cities	Representatives
LAMOILLE-3:	Cambridge and Waterville	1
LAMOILLE-WASHINGTON:	Elmore, Morristown, Woodbury and Worcester.....	2
ORANGE-1:	Chelsea, Corinth, Orange, Vershire, Washington and Williamstown.....	2
ORANGE-2:	Bradford, Fairlee and West Fairlee.....	1
ORANGE-CALEDONIA:	Groton, Newbury, and Topsham	1
ORANGE-WASHINGTON-ADDISON:	Braintree, Brookfield, Granville, Randolph and Roxbury.....	2
ORLEANS-1:	Brownington, Charleston, Derby, Holland and Morgan	2
ORLEANS-2:	Coventry, Irasburg, Newport City, Newport Town, and that portion of the town of Troy encompassed within a boundary beginning at the point where the boundary line of Troy and Newport Town intersects with the Canadian Pacific railway; then northwesterly along the southern side of the centerline of the railway to the intersection of VT Route 105; then northwesterly along the southern side of the centerline of VT 105 to the intersection of East Hill Road; then southerly along the eastern side of the centerline of East Hill Road to the intersection of VT Route 100; then westerly along the southern side of the centerline of VT 100 to the intersection with the Missisquoi River; then southwestly along the eastern side of the centerline of the Missisquoi River to the boundary of the town of Westfield; then southerly along the Westfield town line to the boundary of the town of Lowell; then easterly along the Lowell town line to the boundary of Newport Town; then northerly along the Newport Town boundary to the point of beginning	2
ORLEANS-CALEDONIA:	Albany, Barton, Craftsbury, Glover, Greensboro, Sheffield and Wheelock	2
ORLEANS-LAMOILLE:	Eden, Jay, Lowell, Westfield, and that portion of the town of Troy not in ORLEANS-2	1
RUTLAND-BENNINGTON:	Middletown Springs, Pawlet, Rupert, Wells and that portion of the town of Tinmouth not in RUTLAND-2	1
RUTLAND-1:	Ira and Poultney	1

Ch. 34 **APPORTIONMENT OF STATE REPRESENTATIVES**

District	Towns and Cities	Representatives
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RUTLAND-2: Clarendon, Proctor, Wallingford, West Rutland, and that portion of the town of Tinmouth encompassed within a boundary beginning at the point where the boundary line of Tinmouth and Danby intersects with East Road; then northerly along the eastern side of the centerline of East Road and then continuing along the eastern side of the centerline of North East Road to the boundary of Clarendon; then easterly along the Clarendon town line to the boundary of Wallingford; then southerly along the Wallingford town line to the boundary of Danby; then westerly along the Danby town line to the point of beginning2

RUTLAND-3: Castleton, Fair Haven, Hubbardton and West Haven.....2

RUTLAND-4: Rutland Town1

RUTLAND-5-1: That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with Lincoln Avenue; then southerly along the eastern side of the centerline of Lincoln Avenue to the intersection of West Street; then easterly along the northern side of the centerline of West Street across North Main Street; then easterly along the northern side of the centerline of Terrill Street to the intersection of Lafayette Street; then southerly along the east side of the centerline of Lafayette Street to the intersection of Easterly Avenue; then easterly along the northern side of Easterly Avenue to the intersection of Piedmont Drive; then easterly along the northern side of the centerline of Piedmont Drive to the intersection of Piedmont Parkway; then easterly along the northern side of the centerline of Piedmont Parkway to the intersection of Stratton Road; then southerly along the eastern side of the centerline of Stratton Road to the intersection of Killington Avenue; then easterly along the northern side of the centerline of Killington Avenue, including both sides of Grandview Terrace, to the boundary between Rutland City and Rutland Town; then northerly along the boundary line to its intersection with Gleason Road; then westerly along the southern side of the centerline of Gleason Road to Woodstock Avenue; then following the boundary line back to the point of beginning1

Ch. 34 **APPORTIONMENT OF STATE REPRESENTATIVES**

District	Towns and Cities	Representatives
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RUTLAND-5-2: That portion of the City of Rutland encompassed within a boundary beginning at the southernmost point where the boundary line of Rutland City and Rutland Town intersects with South Main Street; then northerly along the eastern side of the centerline of South Main Street to the intersection of Strongs Avenue; then northwesterly along the eastern side of the centerline of Strongs Avenue to the intersection of Prospect Street; then northerly along the eastern side of the centerline of Prospect Street to the intersection of Washington Street; then easterly along the southern side of the centerline of Washington Street to the intersection of Court Street; then northerly along the eastern side of the centerline of Court Street to the intersection of West Street; then easterly along the southern side of the centerline of West Street to the intersection of South Main Street; then east across South Main Street along the southern side of the centerline of Terrill Street to the intersection of Lafayette Street; then southerly along the western side of the centerline of Lafayette Street to the intersection of Easterly Avenue; then easterly along the southern side of the centerline of Easterly Avenue to the intersection of Piedmont Drive; then easterly along the southern side of the centerline of Piedmont Drive to the intersection of Piedmont Parkway; then easterly along the southern side of the centerline of Piedmont Parkway to the intersection of Stratton Road; then southerly along the western side of the centerline of Stratton Road to the intersection of Killington Avenue; then easterly along the southern side of the centerline of Killington Avenue to the boundary of Rutland City and Rutland Town; then southerly along the city line to the intersection of the city line and South Main Street to the point of beginning1

RUTLAND-5-3: That portion of the City of Rutland encompassed within a boundary beginning at the point where the boundary line of Rutland City and Rutland Town intersects with South Main Street; then northerly along the western side of the centerline of South Main Street to the intersection of Strongs Avenue; then northwesterly along the western side of the centerline of Strongs Avenue to the intersection of Prospect Street; then northerly along the western side of the centerline of Prospect Street to the intersection of Washington Street; then easterly along the northern side of the centerline of Washington Street to the intersection of Court Street; then northerly along the western side of the centerline of Court Street to the intersection of West Street; then easterly along the northern side of the centerline of West Street to the intersection of Lincoln Avenue; then northerly along the western side of the centerline of Lincoln Avenue to the intersection of Williams Street; then westerly along the southern side of the centerline of Williams Street to the intersection of Grove Street; then northerly along the western side of the centerline of Grove Street to the intersection of Maple Street; then westerly along the southern side of the centerline of Maple Street to the intersection of Pine Street; then southerly along the eastern side of the centerline of Pine Street to the intersection of Robbins Street; then westerly along the southern side of the centerline of Robbins Street to the intersection of Baxter Street; then southerly along the eastern side of the centerline of Baxter Street to the intersection of State Street; then westerly along the southern side of the centerline of State Street to the intersection of Cramton Avenue; then southerly along the eastern side of the centerline of Cramton Avenue to the

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District	Towns and Cities	Representatives
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intersection of West Street; then westerly along the southern side of the centerline of West Street to the intersection of Ripley Road; then southerly along the boundary of the Rutland City-Rutland Town line to the intersection of the city line and South Main Street; then to the point of beginning1

RUTLAND-5-4: That portion of the City of Rutland not located within the boundaries of RUTLAND-5-1, 5-2, or 5-31

RUTLAND-6: Brandon, Pittsford, and Sudbury2

RUTLAND-WINDSOR-1: Bridgewater, Chittenden, Killington and Mendon1

RUTLAND-WINDSOR-2: Ludlow, Mount Holly, and Shrewsbury1

WASHINGTON-1: Berlin and Northfield2

WASHINGTON-2: Barre Town2

WASHINGTON-3: Barre City2

WASHINGTON-4: Montpelier2

WASHINGTON-5: East Montpelier and Middlesex1

WASHINGTON-6: Calais, Marshfield, and Plainfield1

WASHINGTON-7: Duxbury, Fayston, Moretown, Waitsfield and Warren2

WASHINGTON-CHITTENDEN: Bolton, Buel's Gore, Huntington and Waterbury.....2

WINDHAM-1: Guilford and Vernon1

WINDHAM-2-1: That portion of the town of Brattleboro encompassed within a boundary beginning at the point where the boundary line of Brattleboro and the town of Dummerston intersects with 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 VT Route 9; then westerly along the northern side of the centerline of VT 9 to the intersection of Guilford Street; then southerly along the western side of the centerline of Guilford Street to where the

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Whetstone Brook crosses; then easterly along the southern side of the centerline of the Whetstone Brook to the intersection with Interstate 91; then southerly along the western side of the centerline of Interstate 91 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 Dummerston; then easterly along the town line of Dummerston to the point of beginning1

WINDHAM-2-2: That portion of the Town of Brattleboro to the south of a boundary beginning at the Connecticut River at the Whetstone Brook; then westerly along the southern side of the centerline 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 Williams Street; then along the southern side of the centerline of Williams Street to 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 Strand Avenue to the intersection of Williams Street; then westerly along the southern side of the centerline of Williams Street past Lamson Street to where the Whetstone Brook crosses; then westerly along the southern side of the centerline of the Whetstone Brook to the intersection with Interstate 91; then southerly along the eastern side of the centerline of Interstate 91 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 beginning1

WINDHAM-2-3: The portion of the town of Brattleboro that is not located in WINDHAM-2-1 or WINDHAM-2-2.....1

WINDHAM-3: Athens, Brookline, Grafton, Rockingham, Windham and that part of Westminster encompassed within a boundary beginning at the intersection of the Rockingham town line with Interstate 91; then southeasterly along the centerline of Interstate 91 to the intersection with the Saxtons River; then easterly along the centerline of the Saxtons River to the intersection with Saxtons River Road (VT 121); then southeasterly along the centerline of Saxtons River Road to the intersection of Church Avenue; then easterly along the centerline of Church Avenue to the intersection of Saxtons River Road; then northerly along the centerline of Saxtons River Road to the intersection of Forest Road; then southerly along the centerline of Forest Road to the intersection with the Saxtons River; then northeasterly along the centerline of the Saxtons River to the intersection with the Connecticut River2

WINDHAM-4: Dummerston, Putney, the part of Westminster not in WINDHAM-3.....2

WINDHAM-5: Marlboro, Newfane and Townshend1

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WINDHAM-6: Halifax, Wilmington, and that portion of the town of Whitingham not in WINDHAM-BENNINGTON.....1

WINDHAM-BENNINGTON: Dover, Readsboro, Searsburg, Somerset, Stamford, Wardsboro, and that portion of the town of Whitingham encompassed within a boundary beginning at the point where the boundary line of Whitingham and Readsboro intersects with VT Route 100; then southerly along the Readsboro town line to the boundary of the state of Massachusetts; then easterly along the Massachusetts state line to the intersection of Kentfield Road; then northerly along the western side of the centerline of Kentfield Road to the intersection with the Nog Brook; then northerly along the western side of the centerline of Nog Brook to the intersection with VT 100; then southerly along the eastern side and westerly along the southern side of the centerline of VT 100 to the point of beginning.....1

WINDHAM-BENNINGTON-WINDSOR: Jamaica, Londonderry, Stratton, Weston and Winhall1

WINDSOR-1: Hartland, West Windsor, and Windsor.....2

WINDSOR-2: Cavendish and Weathersfield1

WINDSOR-3-1: Andover, Baltimore, Chester, and that portion of the town of Springfield encompassed within a boundary beginning at the point where the boundary line of Springfield and Chester intersects with Route 10; then easterly along the southern side of the centerline of Route 10 to the intersection of Cemetery Road; then easterly along the southern side of the centerline of Cemetery Road to the intersection of School Street; then southerly on the western side of the centerline of School Street to the intersection of Main Street; then easterly on the southern side of the centerline of Main Street to the intersection of Church Street; then southerly along the western side of the centerline of Church Street to the intersection of Spoonerville Road; then southerly along the western side of the centerline of Spoonerville Road to the boundary line of Chester; then northerly along the Chester town line to the point of beginning1

WINDSOR-3-2: That portion of Springfield not in WINDSOR-3-12

WINDSOR-4-1: Barnard, Pomfret and that portion of the town of Hartford encompassed within a boundary beginning at the point where the boundary line of Hartford and the town of Norwich intersects with Newton Lane; then southerly along the western side of the centerline of Newton Lane to the intersection of Jericho Street; then westerly along the northern side of the centerline of Jericho Street to the intersection of Dothan Road; then southerly along the western side of the centerline of Dothan Road to the intersection of VT Route 14; then westerly along the northern side of the centerline of VT Route 14 to the intersection of the centerline of Runnels Road and VT

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Route 14; then at a right angle to a utility pole marked 137T/6 ET&T/3>/136MP Corp/156/40030 on the south edge of Route 14; then southerly in a straight line across the White River to the junction of Old River Road and the beginning of Costello Road; then southerly and easterly along the centerline of Costello Road to its end on U.S. Route 4; then westerly along the northern side of the centerline of U.S. Route 4 to the boundary of the town of Hartland; then westerly and northerly along the town line of Hartland to the boundary of Pomfret; then northeasterly along the town line of Pomfret to the boundary of Norwich; then southeasterly along the town line of Norwich to the point of beginning1

WINDSOR-4-2: The portion of Hartford not located in WINDSOR-4-12

WINDSOR-5: Plymouth, Reading, and Woodstock1

WINDSOR-ORANGE-1: Royalton and Tunbridge1

WINDSOR- ORANGE-2: Norwich, Sharon, Strafford, and Thetford2

WINDSOR-RUTLAND: Bethel, Pittsfield, Rochester and Stockbridge1

(Added 1965, No. 98, § 4; amended 1973, No. 210 (Adj. Sess.), § 4, eff. April 3, 1974; 1981, No. 129 (Adj. Sess.), § 3, eff. March 3, 1982, see note set out below; 1991, No. 116 (Adj. Sess.), § 2, eff. Feb. 13, 1992; 1991, No. 147 (Adj. Sess.), § 2, eff. April 25, 1992; 2001, No. 85 (Adj. Sess.), § 1, eff. May 3, 2002; 2001, No. 151 (Adj. Sess.), §§ 55-57, eff. June 27, 2002; 2011, No. 74 (Adj. Sess.), § 1, eff. Feb. 28, 2012; 2011, No. 93 (Adj. Sess.), § 1, eff. May 1, 2012.)

§ 1893a. Subdivision of initial districts

The following initial House districts are subdivided into representative House districts, as designated and defined below, each of which shall be entitled to elect the indicated number of representatives:

(a) CHITTENDEN-5 is subdivided into the following districts:

(1) **CHITTENDEN-5-1.** 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

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(2) CHITTENDEN-5-2. St. George and that portion of the town of Shelburne not in CHITTENDEN-5		1
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(b) CHITTENDEN-6 is subdivided into the following districts:

(1) CHITTENDEN-6-1. 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 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 beginning2

(2) CHITTENDEN-6-2. 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 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

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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 127 to the intersection of the boundary of the town of Colchester at the Heineberg Bridge over the Winooski River; then easterly and southerly along the Colchester town line and continuing along the boundary of the city of Winooski to the railroad bridge; then westerly along the northern side of the centerline of the railroad bridge and continuing along the northern side of the centerline of the railroad tracks to the intersection of a point representing the centerline of the railroad tracks and a straight line extension of the centerline of Spring Street; then southeasterly along the western side of the centerline of that straight line to the intersection of Spring Street and Manhattan Drive; then westerly along the northern side of the centerline of Manhattan Drive to the intersection of Pitkin Street; then southerly along the western side of the centerline of Pitkin Street to the intersection of North Street; then easterly along the southern side of the centerline of North Street to the intersection of North Champlain Street; then southerly along the western side of the centerline of North Champlain Street to the intersection of Pearl Street; then westerly along the northern side of the centerline of Pearl Street to the intersection of Battery Street; then southerly along the western side of the centerline of Battery Street to the intersection of College Street; then westerly along the northern side of the centerline of College Street to the intersection of the Island Line Trail; then southerly along the western side of the Island Line Trail to a point representing the southern end of the Union Station building; then northwesterly from that point to a point representing the intersection of a straight line extension of Main Street and the shore of Lake Champlain; then northwesterly along the shore of Lake Champlain to the point of beginning.....1

(3) CHITTENDEN-6-3. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of Spring Street and Manhattan Drive; then westerly along the southern side of the centerline of Manhattan Drive to the intersection of Pitkin Street; then southerly along the eastern side of the centerline of Pitkin Street to the intersection of North Street; then easterly along the northern side of the centerline of North Street to the intersection of North Champlain Street; then southerly along the eastern side of the centerline of North Champlain Street to the intersection of Pearl Street; then westerly along the southern side of the centerline of Pearl Street to the intersection of Battery Street; then southerly along the eastern side of the centerline of Battery Street to the intersection of College Street; then westerly along the southern side of the centerline of College Street to the intersection of the Island Line Trail; then southerly along the eastern side of the centerline of the Island Line Trail to the southern end of the Union Station building; then northwesterly from that point to a point representing the intersection of a straight line extension of Main Street and the shore of Lake Champlain; then southerly along the shore of Lake Champlain to a point representing the intersection of the shore of Lake Champlain and a straight line extension of Maple Street; then easterly along the northern side of the centerline of Maple Street to the intersection of South Willard Street; then northerly along the western side

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of the centerline of South Willard Street to the intersection of Main Street; then westerly along the southern side of the centerline of Main 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 Pearl Street; then continuing on North Union Street to the intersection of North Street; then easterly along the northern side of the centerline of North Street to the intersection of North Willard Street; then northerly along the western side of the centerline of North Willard Street to the intersection of Hyde Street; then northeasterly along the western side of the centerline of Hyde Street to a point representing the intersection of a straight line extension of Hyde Street and the railroad tracks; then westerly along the southern side of the centerline of the railroad tracks to the intersection of a point representing the intersection of the centerline of the railroad tracks and a straight line extension of the centerline of Spring Street; then southeasterly along the eastern side of the centerline of that straight line to the point of beginning2

(4) CHITTENDEN-6-4. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of North Street and North Union Street; then southerly along the eastern side of the centerline of North Union Street to the intersection of Pearl Street; then easterly along the northern side of the centerline of Pearl 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 Main Street; then easterly along the northern side of the centerline of Main Street to the northeastern boundary of 461 Main Street; then southeasterly along the eastern side of the boundary of 461 Main Street and 475 Main Street, including the property at 475, 479 and 481 Main Street and excluding the property at 461 Main Street and continuing in a straight line to the southwestern corner of the property located at 475 Main Street, including that property; then continuing on to and along the eastern side of the boundary between property located on Robinson Parkway and property located on University Terrace, including the University Terrace properties, to the intersection with University Heights Road; then continuing southerly from the intersection with University Heights Road on the eastern side of the boundary between properties within University Heights and those properties on South Prospect Street and on Henderson Terrace to the intersection of a road running along the southern side of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse and Davis Road; then easterly along the northern side of the centerline of the road on the southern boundary of the center and fieldhouse to the boundary of the city of South Burlington; then northerly and easterly along the South Burlington city line to the intersection with Grove Street, including the residences on the inside and southern side of the circle at 284 Grove Street, also known as Apple Grove, but excluding the residences on the outside and northern side of the circle at 284 Grove Street; then westerly along the southern side and northerly along the western side of the centerline of Grove Street to the intersection of Chase Street; then westerly and southwesterly along the southern side of the centerline of Chase Street to the intersection of Colchester Avenue; then northerly along the western side of the centerline of Colchester Avenue to the intersection of Riverside Avenue; then southerly along the eastern side and westerly along the southern side of the centerline of Riverside Avenue to the intersection of

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Intervale Road; then northwesterly along the western side of the centerline of Intervale Road to the intersection with the railroad tracks; then westerly along the southern side of the centerline of the railroad tracks to a point representing the intersection of the centerline of the railroad tracks and a straight line extension of the centerline of Hyde Street; then southwesterly along the eastern side of the centerline of that line extension and then 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 point of beginning2

(5) CHITTENDEN-6-5. That portion of the city of Burlington encompassed within a boundary beginning at the point where the boundary of Burlington and the city of South Burlington intersects with the shore of Lake Champlain; then northerly along the shore of Lake Champlain to the intersection of the shore of the lake with a point representing a straight line extension of Maple Street; then easterly along the southern side of the centerline of Maple Street to the intersection of South Willard Street; then southerly along the western side of the centerline of South Willard Street to the intersection of Cliff Street; then easterly along the southern side of the centerline of Cliff 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 Davis Road; then easterly along the southern side of the centerline of Davis Road to the intersection of the road running along the southern boundary of the Gucciardi Recreation and Fitness Center and the Gutterson Fieldhouse; then easterly along the southern side of the centerline of the road on the southern boundary of the center and fieldhouse to the boundary of the city of South Burlington; then southerly and westerly along the South Burlington city line to the shore of Lake Champlain and the point of beginning2

(6) CHITTENDEN-6-6. That portion of the city of Burlington encompassed within a boundary beginning at the point of the intersection of Pearl Street and North Union Street; then easterly along the southern side of the centerline of Pearl 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 Main Street; then easterly along the southern side of the centerline of Main Street to the northeastern boundary of 461 Main Street; then southeasterly along the western side of the boundary of 461 Main Street and 475 Main Street, excluding the property at 475, 479, and 481 Main Street and including the property at 461 Main Street and continuing in a straight line to the southwestern corner of the property located at 475 Main Street, excluding that property; then continuing on to and along the western side of the boundary between property located on Robinson Parkway and property located on University Terrace, including the Robinson Parkway properties, to the intersection with University Heights Road; then continuing southerly from the intersection with University Heights Road on the western side of the boundary between properties within University Heights and those properties on South Prospect Street and on Henderson Terrace to the intersection of a road running along the southern side of the Gucciardi Recreation and Fitness

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Center and the Gutterson Fieldhouse and Davis Road; then westerly along the northern side of the centerline of Davis Road to the intersection of 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 South Willard Street; then northerly along the eastern side of the centerline of South Willard Street to the intersection of Main Street; then westerly along the northern side of the centerline of Main Street to the intersection of South Union Street; then northerly along South Union Street to the intersection of Pearl Street; then continuing northerly along the eastern side of the centerline of North Union Street to the point of beginning1

(7) CHITTENDEN-6-7. The city of Winooski and that portion of the city of Burlington not included in CHITTENDEN-6-1, 6-2, 6-3, 6-4, 6-5, or 6-6.....2

(c) CHITTENDEN-7 is subdivided into the following districts:

(1) CHITTENDEN-7-1. That portion of the city of South Burlington encompassed within a boundary beginning at the point where the boundary of South Burlington and the city of Burlington intersects with the shore of Lake Champlain; then southerly along the shore of Lake Champlain, including all of the lake belonging to South Burlington, to the boundary of the town of Shelburne; then easterly along the Shelburne town line to the intersection of Shelburne Road; then northerly along the western side of the centerline of Shelburne Road to the intersection of Allen Road; then easterly along the northern side of the centerline of Allen Road to the intersection of Spear Street; then northerly along the western side of the centerline of Spear Street to the intersection of Nowland Farm Drive; then easterly along the northern side of the centerline of Nowland Farm Drive to the intersection of Dorset Street; then northerly along the western side of the centerline of Dorset Street to the intersection of Swift Street; then westerly along the southern side of the centerline of Swift Street and then continuing along the Burlington city line to the shore of Lake Champlain and the point of beginning1

(2) CHITTENDEN-7-2. That portion of the city of South Burlington encompassed within a boundary beginning at the point of the intersection of Nowland Farm Drive and Spear Street; then southerly along the eastern side of the centerline of Spear Street to the intersection of Allen Road; then westerly along the southern side of the centerline of Allen Road to the intersection of Shelburne Road; then southerly along the eastern side of the centerline of Shelburne Road to the boundary of the town of Shelburne; then easterly along the Shelburne town line to the boundary of the town of Williston; then northerly along the Williston town line to the intersection of VT Route 2; then westerly along the southern side of the centerline of VT 2 to the intersection of the back property lines of property fronting Elsom Parkway on the western side of Elsom Parkway; then southerly along those back property lines including all of the properties along Elsom Parkway and continuing in a straight line to the intersection with the Potash Brook; then southwesterly along

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the southern side of the centerline of the Potash Brook to the intersection with Hinesburg Road; then southeasterly along the eastern side of the centerline of Hinesburg Road to the intersection with Interstate 89; then westerly along the southern side of the centerline of Interstate 89 to the intersection with Dorset Street; then southerly along the eastern side of the centerline of Dorset Street to the intersection of Nowland Farm Drive; then westerly along the southern side of the centerline of Nowland Farm Drive to the point of beginning1

(3) CHITTENDEN-7-3. That portion of the city of South Burlington encompassed within a boundary beginning at the northwestern-most point where the boundary line of South Burlington and the city of Burlington intersects with Williston Road; then southerly and westerly along the Burlington city line to the intersection with Swift Street; then easterly along the northern side of the centerline of Swift Street to the intersection of Dorset Street; then northerly along the western side of the centerline of Dorset Street to the intersection with Interstate 89; then easterly along the northern side of the centerline of Interstate 89 to the intersection with Hinesburg Road; then northwesterly along the western side of the centerline of Hinesburg Road to the intersection with the Potash Brook; then southwestly along the southern side of the centerline of the Potash Brook to the intersection with Kennedy Drive; then westerly along the southern side of the centerline of Kennedy Drive to the intersection of Dorset Street; then northerly along the western side of the centerline of Dorset Street to the intersection of Williston Road; then northwesterly along the southern side of the centerline of Williston Road to the point of beginning.....1

(4) CHITTENDEN-7-4. That portion of the city of South Burlington not in CHITTENDEN-7-1, 7-2, or 7-31

(d) CHITTENDEN-9 is subdivided into the following districts:

(1) CHITTENDEN-9-1. That portion of the town of Colchester north of Malletts Creek and west of Interstate 89 to the Milton town line; plus that portion of the town of Colchester east of Interstate 89, except the portion of that portion of the town encompassed within a boundary beginning at the point where Interstate 89 intersects with VT Route 127; then easterly along the southern side of the centerline of VT 127 to the intersection of the Roosevelt Highway; then southerly along the western side of the centerline of the Roosevelt Highway to the intersection of the Sunderland Brook; then westerly along the northern side of the centerline of the Sunderland Brook to the intersection with Interstate 89; then northerly along the eastern side of the centerline of Interstate 89 to the point of beginning2

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(2) CHITTENDEN-9-2. That portion of Colchester not in CHITTENDEN-9-1.....2

Added 2001, No. 151 (Adj. Sess.), § 53, eff. June 27, 2002; amended 2011, No. 93 (Adj. Sess.), § 2, eff. May 1, 2012.)

§§ 1894, 1895. Repealed. 1991, No. 116 (Adj. Sess.), § 13, eff. Feb. 13, 1992.

§ 1896. Repealed. 1991, No. 147 (Adj. Sess.), § 6, eff. April 25, 1992.

CHAPTER 34A: PERIODIC REAPPORTIONMENT

§ 1901. Purpose

The supreme court of the United States has ruled that the equal protection clause of the Fourteenth Amendment to the United States 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. To comply with such requirement it will be necessary to reapportion the house of representatives at periodic intervals, so that changes may be recognized in legislative apportionment. It is the purpose of this chapter to achieve such reapportionment in an orderly and impartial manner. (Added 1965, No. 97, § 1.)

§ 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. (1965, No. 97, § 2; amended 1981, No. 30, § 2, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment; 1991, No. 116 (Adj. Sess.), § 4, eff. Feb. 13, 1992.)

§ 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. (Added 1965, No. 97, § 3; amended 1973, No. 210 (Adj. Sess.), § 7, eff. April 3, 1974; 1981, No. 30, §§ 3, 7, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment; 1991, No. 116 (Adj. Sess.), § 5, eff. Feb. 13, 1992.)

§ 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. (Added 1965, No. 97, § 4; amended 1989, No. 200 (Adj. Sess.), §§ 6a, 6b; 1991, No. 116 (Adj. Sess.), § 6, eff. Feb. 13, 1992; 2009, No. 18, § 1.)

§ 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. (1965, No. 97, § 5; amended 1973, No. 210 (Adj. Sess.), § 8, eff. April 3, 1974; 1981, No. 30, § 4, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment; 1989, No. 200 (Adj. Sess.), § 6c; 1991, No. 116 (Adj. Sess.), § 7, eff. Feb. 13, 1992; 1999, No. 68 (Adj. Sess.), § 1; 2001, No. 36, § 1.)

§ 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. (1965, No. 97, § 6; amended 1973, No. 210 (Adj. Sess.), § 9, eff. April 3, 1974; 1981, No. 129 (Adj. Sess.), § 2, eff. March 23, 1982; 1989, No. 200 (Adj. Sess.), § 6d; 1991 No. 116 (Adj. Sess.), § 8, eff. Feb. 13, 1992; 1999, No. 68 (Adj. Sess.), § 2; 2001, No. 36, § 2.)

§ 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. (Added 1991, No. 116 (Adj. Sess.), § 9, eff. Feb. 13, 1992.)

§ 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. (Added 1991, No. 116 (Adj. Sess.), § 10, eff. Feb. 13, 1992.)

§ 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. (Added 1991, No. 116 (Adj. Sess.), § 11, eff. Feb. 13, 1992.)

§ 1907. Senate apportionment

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, 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 United States Constitution. The chair of the board shall transmit such proposal to the secretary of the senate and it shall 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 of the senate. (Added 1965, No. 97, § 7; amended 1989, No. 200 (Adj. Sess.), § 6e; 1991, No. 217 (Adj. Sess.), § 2, eff. May 22, 1992; 1999, No. 68 (Adj. Sess.), § 3; 2001, No. 36, § 3.)

§ 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. (Added 1965, No. 97, § 8; amended 1981, No. 30, § 5, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment.)

§ 1909. Review

(a) Within 30 days of the effective date of any apportionment bill enacted pursuant to section 1906b, 1906c, or 1907 of this title, any five or more freemen 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 title.

(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. (Added 1965, No. 97, § 9; amended 1991, No. 116 (Adj. Sess.), § 12, eff. Feb. 13, 1992.)

§§ 1910, 1911. Repealed. 1973, No. 210 (Adj. Sess.), § 10, eff. April 3, 1974.

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. (Amended 1961, No. 198, § 4, eff. July 5, 1961; 2013, No. 161 (Adj. Sess.), § 1.)

§ 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. (Amended 2001, No. 5, § 10; 2013, No. 161 (Adj. Sess.), § 1.)

§ 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. (Amended 2001, No. 5, § 11; 2013, No. 161 (Adj. Sess.), § 1.)

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§ 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. (Amended 2001, No. 5, § 12.)

§ 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. (Amended 2013, No. 161 (Adj. Sess.), § 1.)

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. (Amended 2013, No. 161 (Adj. Sess.), §1.)

§ 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. (Amended 2013, No. 161 (Adj. Sess.), §1.)

§ 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. (Amended 2013, No. 161 (Adj. Sess.), § 1.)

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§ 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. (Amended 2013, No. 161 (Adj. Sess.), § 1.)

§ 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. (Amended 1981, No. 223 (Adj. Sess.), § 23; 2013, No. 161 (Adj. Sess.), §1.)

§ 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. (Amended 2013, No. 161 (Adj. Sess.), § 1.)

§ 2017. Undue influence

A person who attempts by bribery, threats or any undue influence to dictate, control or alter the vote of a freeman or freewoman about to be given at a local, primary, or general election shall be fined not more than \$200.00. (Amended 2013, No. 161 (Adj. Sess.), § 1.)

§ 2018. Repealed. 2014, No. 161

§ 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. (Amended 2013, No. 161 (Adj. Sess.), § 1.)

§ 2020. Repealed. 2014, No. 161

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§ 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.
(Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2102. Short title

This title may be referred to and cited as the "Vermont Election Laws". (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 1.)

§ 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, high bailiff, and justice of the peace.

(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) "**Local election**" means any election which deals with the selection of persons to fill public office or the settling of public questions solely within a single municipality. "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. 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 198 (Adj. Sess.), § 2; No. 200 (Adj. Sess.), §§ 2-6; 1981, No. 30, § 8, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment; 1985, No. 196 (Adj. Sess.), § 2; No. 198 (Adj. Sess.), §§ 4, 5; 1997, No. 47, §§ 1, 11; 2001, No. 5, § 1; No. 6, §§ 1, 12(b), eff. April 10, 2001.) (43) "Vote tabulator" means a machine that registers and counts paper ballots and includes optical scan tabulators.

CHAPTER 43: QUALIFICATION AND REGISTRATION OF VOTERS

Subchapter 1: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1997, No. 47, § 11; 2011, No. 66, § 15, eff. June 1, 2011.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 120; 1981, No. 239 (Adj. Sess.), § 8; 1983, No. 90, § 4, eff. April 29, 1983; 1985, No. 198 (Adj. Sess.), § 6; 1999, No. 134 (Adj. Sess.), § 6, eff. Jan. 1, 2001; 2001, No. 5, § 2.)

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§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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.

Subsection (b) effective until July 1, 2017; see also subsection (b) effective July 1, 2017 set out below.

(b) A person who administers the voter's oath or affirmation to another shall forthwith sign the appropriate place on the application or sign some other written notification giving the person's name and the date the oath or affirmation was administered.

Subsection (b) effective July 1, 2017; see also subsection (b) effective until July 1, 2017 set out above.

(b) [Repealed.]

Subsection (c) effective until July 1, 2017; see also subsection (c) effective July 1, 2017 set out below.

(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. If the written notification that a person has taken the oath or affirmation is submitted separately from the application, it shall be filed along with the application. The town clerk shall verify, upon request, that a voter has been given the oath or affirmation.

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Subsection (c) effective July 1, 2017; see also subsection (c) effective until July 1, 2017 set out above.

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 7; 1989, No. 200 (Adj. Sess.), § 1; 1997, No. 47, § 10; 2001, No. 6, § 12(b), eff. April 10, 2001; 2007, No. 113 (Adj. Sess.), § 1; 2015, No. 30, § 1, eff. May 26, 2015; 2015, No. 80 (Adj. Sess.), § 3, eff. July 1, 2017.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 8; 1997, No. 47, § 11.)

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 9; 1999, No. 134 (Adj. Sess.), § 7, eff. Jan. 1, 2001.)

Subchapter 2: 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 qualified 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 qualified 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.

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(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 10; 2001, No. 5, § 3; 2013, No. 161 (Adj. Sess.), § 3.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 11; 2013, No. 161 (Adj. Sess.), § 3; 2015, No. 44, § 1, eff. Jan. 1, 2017.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 12; 2001, No. 5, § 13; 2013, No. 161 (Adj. Sess.), § 3.)

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§ 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.] (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 13; 1981, No. 239 (Adj. Sess.), § 9; 1985, No. 198 (Adj. Sess.), § 7; 1991, No. 118 (Adj. Sess.), § 2, eff. Feb. 26, 1992; 1995, No. 4, § 1; 1997, No. 47, § 2; 2001, No. 6, § 12(a), eff. April 10, 2001; 2003, No. 59, § 2; 2007, No. 72, § 1; 2015, No. 44, § 2, eff. Jan. 1, 2017.)

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§ 2144a. Registration

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

Subdivision (1) effective until July 1, 2017; see also subdivision (1) effective July 1, 2017 set out below.

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

Subdivision (1) effective July 1, 2017; see also subdivision (1) effective until July 1, 2017 set out above.

(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. (Added 1997, No. 47, § 3; amended 2015, No. 44, § 3, eff. Jan. 1, 2017; 2015, No. 80 (Adj. Sess.), § 4, eff. July 1, 2017.)

§ 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.]

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(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. (Added 2001, No. 7, § 3, eff. April 10, 2001; amended 2003, No. 59, § 3; 2013, No. 161 (Adj. Sess.), § 3.)

§ 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.

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Subdivision (a)(2) effective until July 1, 2017; see also subdivision (a)(2) effective July 1, 2017 set out below.

(2) The voter's oath and a space for a person administering the voter's oath to another to execute the written notification required by section 2124 of this title.

Subdivision (a)(2) effective July 1, 2017; see also subdivision (a)(2) effective until July 1, 2017 set out above.

(2) The voter's oath.

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

Subdivision (a)(4) effective until July 1, 2017; see also subdivision (a)(4) effective July 1, 2017 set out below.

(4) The following statements:

"If you were provided with this form when you applied for, or renewed, a motor vehicle driver's license or 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."

"If you are submitting this application in connection with a motor vehicle driver's license application, or renewal, or 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."

Subdivision (a)(4) effective July 1, 2017; see also subdivision (a)(4) effective until July 1, 2017 set out above.

(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."

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(5) The following statement on applications provided by the Department of Motor Vehicles: "Keep this receipt and take it to the polls when you go to vote. This is proof you submitted an application for registration."

Subdivision (a)(5) effective July 1, 2017; see also subdivision (a)(5) effective until January 1, 2017 and effective January 1, 2017 set out above.

(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.

Subsection (f) effective until July 1, 2017; see also subsection (f) effective July 1, 2017 set out below.

(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 knowing the statement to be false shall be subject to the penalties of perjury as provided in 13 V.S.A. § 2901.

Subsection (f) effective July 1, 2017; see also subsection (f) effective until July 1, 2017 set out above.

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(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 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.

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 10; 1997, No. 47, § 4; 2001, No. 7, § 1, eff. Jan. 1, 2002; 2003, No. 59, § 4; 2013, No. 161 (Adj. Sess.), § 3; 2015, No. 44, § 4, eff. Jan. 1, 2017; 2015, No. 80 (Adj. Sess.), § 2, eff. July 1, 2017.)

§ 2145a. Registrations at the Department of Motor Vehicles

Subsection (a) effective until July 1, 2017; see also subsection (a) effective July 1, 2017 set out below.

(a) An application for, or renewal of, a motor vehicle driver's license shall serve as a simultaneous application to register to vote unless the applicant declines to sign the voter registration portion of the application.

Subsection (a) effective July 1, 2017; see also subsection (a) effective until July 1, 2017 set out above.

(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.

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Subsection (b) effective until July 1, 2017; see also subsection (b) effective July 1, 2017 set out below.

(b) The voter registration portion of the motor vehicle driver's license application shall provide and request the information required to be provided under section 2145 of this title and shall be in the form approved by the Secretary of State.

Subsection (b) effective July 1, 2017; see also subsection (b) effective until July 1, 2017 set out above.

(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."

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(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) The Department of Motor Vehicles shall transmit voter registration 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.

Subsection (d) effective July 1, 2017; see also subsection (d) effective until January 1, 2017 and effective January 1, 2017 set out above.

(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.

Subsection (f) effective July 1, 2017.

(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.

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Subsection (g) effective July 1, 2017.

(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.

Subsection (h) effective July 1, 2017.

(h) The Secretary shall take appropriate measures to educate the public about voter registration under this section. (Added 1997, No. 47, § 5; amended 2013, No. 161 (Adj. Sess.), § 3; 2015, No. 44, § 5, eff. Jan. 1, 2017; 2015, No. 80 (Adj. Sess.), § 1, eff. July 1, 2017.)

§ 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) 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. 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) 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:

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(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)." (Added 1997, No. 47, § 6; amended 2013, No. 161 (Adj. Sess.), § 3; 2015, No. 44, § 6, eff. Jan. 1, 2017.)

§ 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. (Added 2013, No. 161 (Adj. Sess.), § 3; amended 2015, No. 44, § 7, eff. Jan. 1, 2017.)

§ 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:

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REJECTION OF APPLICATION FOR ADDITION TO CHECKLIST

The Board of Civil Authority of, (Town/City)
having met on20 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj.
Sess.), § 14; 1981, No. 239 (Adj. Sess.), § 11; 1997, No. 47, §§ 7, 11; 2013, No. 161 (Adj. Sess.),
§§ 3, 72.)

§ 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;

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(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 7, § 2, eff. April 10, 2001; 2003, No. 59, § 5; 2013, No. 161 (Adj. Sess.), § 3; 2015, No. 44, § 8, eff. Jan. 1, 2017.)

§ 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

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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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 15; 1985, No. 198 (Adj. Sess.), § 8.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1997, No. 47, § 8.)

§ 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.

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(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) 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. 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, obituary (or other public notice of death), tax records, and any checklist or checklists showing persons who voted in any election within the last four years. The board of civil authority may also designate one or more persons to attempt to contact the voter personally. 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. The name of any voter proven to be deceased shall be removed from the checklist.

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

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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. The notice required by this subsection shall also include the following:

(A) 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.

(B) 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) 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 title. 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) 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: (A) in the case of each name removed from the checklist, a clear statement of the reason or reasons for which the name was removed; (B) 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; (C) the total number of new registrations occurring during the period between general elections; (D) the total number of persons removed from the checklist during the period between general elections; and (E) lists of the names and addresses of all persons to whom notices were sent under

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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. A letter certifying compliance with this section shall be filed with the Secretary of State by September 20 of each odd-numbered year. 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 16; 1981, No. 239 (Adj. Sess.), § 12, eff. July 1, 1982; § 40, eff. Jan. 1, 1983; 1983, No. 90, §§ 5, 6, eff. April 29, 1983; 1985, No. 45; 1997, No. 47, § 9; 2001, No. 5, § 9; 2003, No. 59, § 6; 2013, No. 161 (Adj. Sess.), § 3; 2015, No. 44, § 9, eff. Jan. 1, 2017.)

§ 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. (Added 1981, No. 20.)

§ 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. (Added 2001, No. 7, § 4, eff. April 10, 2001.)

§ 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. (Added 2001, No. 7, § 5, eff. April 10, 2001.)

§ 2154. Statewide voter checklist

(a) The Secretary of State shall establish 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 the 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 if the applicant is registered in another municipality in the State by a search for the individual voter;

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(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 district's checklist;

(4) provide adequate security to prevent unauthorized access to the checklist;

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

(b) A registered voter's month and day of birth, driver's license number, and the last four digits of the applicant's Social Security number shall be kept confidential and are exempt from public copying and inspection under the Public Records Act. 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 use the checklist for commercial purposes. The affirmation shall be filed with the Secretary of State.

(c) No elections official may 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. (Added 2003, No. 59, § 7; amended 2015, No. 23, § 8; 2015, No. 30, § 2, eff. May 26, 2015.)

CHAPTER 45: POLITICAL PARTIES

§ 2301. Organization of major political parties

A major political party shall organize biennially as provided in this chapter. No person acting on behalf of a major political party shall 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. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 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, which 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. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 63.)

§ 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 3,000 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 that specializes in news of the State or the community.

(c) If three voters arrange to call the caucus, the voters shall designate one of their number to perform the duties prescribed above for the town chair. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 13; 2013, No. 161 (Adj. Sess.), § 64.)

§ 2304. Town caucus

(a) 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. 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. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 2305. First meeting of town committee

The first meeting of the town committee shall be held immediately following adjournment of the caucus. At this meeting, members of the town committee shall elect committee officers and delegates to the county committee. All officers and other members of the town committee and all delegates to the county committee shall be voters of the town. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 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 chairman, 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 above. Those voters calling the caucus shall designate one of their number to perform the duties prescribed above for the town chairman. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 2307. Certification of officers and county committee delegates

(a) Within 72 hours after the caucus, the chair and secretary of the town committee shall mail to the Secretary of State and the chairs of the State and county committees a copy of the notice calling the meeting and a certified list of the names and mailing addresses 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 it has filed the material required by this section.

(c) The Secretary of State shall furnish forms for this purpose to the chair of the State committee of a political party. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 5.)

§ 2308. Composition of county committee

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. Delegates to the county committee shall be voters of the town, but need not be members of the town committee; they shall serve during the following two years or until their successors are elected or appointed. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 2309. First meeting of county committee

(a)(1) The chair of the State committee shall set a date, not more than 45 days after the date of the party's caucuses, 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) 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. If the chair of the county committee receives notice that a town within the county has organized 10 or fewer days before the date of the first meeting of the county committee, the chair must notify the newly elected members within 48 hours of receiving notice of the organized town.

(b) At the time and place set for the meeting, the delegates shall proceed to elect their officers and perfect an organization for the ensuing two years. All officers and other members of the county committee and all delegates to the State committee shall be voters of the county. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 65.)

§ 2310. Election of State committee

(a) The chair of the county committee shall be a member of the State committee. 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. 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 the following two years or until their successors are elected or appointed. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2007, No. 85 (Adj. Sess.), § 1, eff. Feb. 21, 2008; 2013, No. 161 (Adj. Sess.), § 6.)

§ 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 mail to the Secretary of State and the chair of the State committee a copy of the notice calling the meeting and a certified list of the names and mailing addresses 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 it has filed the material required by this section.

(c) The Secretary of State shall prescribe and furnish forms for this purpose. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 1985, No. 198 (Adj. Sess.), § 9; 2013, No. 161 (Adj. Sess.), § 7.)

§ 2312. First meeting of the State committee

The chairman of the state committee shall name an hour and place of meeting on a day not less than 15 nor more than 30 days after the day set for the first meeting of the county committee of the party, at which time the members-elect of the state committee shall meet and perfect an organization for the ensuing two years. The chairman of the state committee shall notify all members-elect of the state committee in writing, at least seven days before the day set for the meeting. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 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 set forth the names and mailing addresses of the officers and members of the State committee, together with the counties which they represent. It shall also designate, in not more than three words, the name by which the party shall be identified on any Australian ballot and shall 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. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 1983, No. 90, § 3, eff. April 29, 1983; 2001, No. 5, § 16; 2013, No. 161 (Adj. Sess.), § 8.)

§ 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. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 9.)

§ 2315. *Repealed. 2013, No. 161 (Adj. Sess.), § 10.*

§ 2316. Secret ballot

At every caucus or meeting of a political committee, if there is a contest for nomination, recommendation, or election to any office or position, the vote shall be taken by secret written ballot. (Added 1979, No. 198 (Adj. Sess.), § 1.)

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

No voter shall vote in the biennial town, county, or State caucus of more than one party in the same year, nor shall any voter simultaneously hold membership on the committees of more than one political party. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 11.)

§ 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. (Added 1979, No. 198 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 12.)

§ 2319. Party conventions for platforms and presidential elections

On or before the fourth Tuesday in September in each even-numbered year, upon the call of the chairman 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. In presidential years, the convention shall be the same convention held to nominate presidential electors. (Added 1979, No. 198 (Adj. Sess.), § 1.)

§ 2320. *Repealed. 2013, No. 161 (Adj. Sess.), § 13.*

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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2003, No. 59, § 8; 2013, No. 161 (Adj. Sess.), § 14.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2003, No. 59, § 9.)

§ 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. (Added 1981, No. 239 (Adj. Sess.), § 21; amended 2003, No. 59, § 10.)

CHAPTER 49: NOMINATIONS

Subchapter 1: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2009, No. 73 (Adj. Sess.), § 1, eff. April 7, 2010; 2013, No. 161 (Adj. Sess.), § 15, eff. Jan. 1, 2016.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2009, No. 73 (Adj. Sess.), § 2, eff. April 7, 2010.)

§ 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 any office indicated, if petitions containing the requisite number of signatures made by legal voters, in substantially the following form, are 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) A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 17; 2007, No. 121 (Adj. Sess.), § 6, eff. May 6, 2008; 2009, No. 73 (Adj. Sess.), § 3, eff. April 7, 2010.)

§ 2354. Signing petitions

Any number of voters may sign the same petition. 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. Each voter shall indicate his or her town of residence next to his signature. The signature of a voter on a candidate's petition does not necessarily indicate that the voter supports the candidate. A voter shall not sign more than one petition for the same office, unless more than one nomination is to be made, in which case he or she may sign as many petitions as there are nominations to be made for the same office. A petition shall contain the name of only one candidate. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 18.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2356. Time for filing petitions and statements of nomination

(a) Primary petitions for major party candidates and statements of nomination for minor party candidates shall be filed no sooner 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 19; 2003, No. 59, § 11; 2009, No. 73 (Adj. Sess.), § 4, eff. April 7, 2010; 2013, No. 161 (Adj. Sess.), § 16, eff. Jan. 1, 2016.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2007, No. 54, § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 20; 1985, No. 197 (Adj. Sess.), § 5.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 21.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2361. Consent of candidate

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. 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. 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 137 (Adj. Sess.), § 2; 2001, No. 83 (Adj. Sess.), § 1; 2003, No. 59, § 12.)

§ 2362. Primary ballots

(a) The ballots shall be prepared and furnished to the towns by the Secretary of State and shall contain the names of all candidates for nomination at the primary. Ballots shall be printed on index stock and configured to be readable by vote tabulators. A separate ballot for each major political party 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: To vote for a candidate whose name is printed on the ballot, fill in the oval at the right of that person's name. 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 persons to be elected to one office, you may vote for any number of candidates up to and including the maximum number.

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 22; 2007, No. 54, § 2; 2013, No. 161 (Adj. Sess.), § 20; 2015, No. 30, § 4, eff. May 26, 2015.)

§ 2363. Separate party ballots

(a) The names of all candidates of a party shall be printed upon one ballot. Each section shall bear in print larger than any other print on the ballot the words VOTE IN ONE PARTY ONLY OR YOUR BALLOT WILL BE VOID in a prominent place on the ballot. The 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.] (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 23; 2013, No. 161 (Adj. Sess.), § 21.)

§§ 2364-2367. Repealed. 1979, No. 200 (Adj. Sess.), § 120.**§ 2368. Canvassing committee meetings**

After the primary election is conducted, 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. The canvassing committee for county offices and countywide public questions and state senator shall meet at 10 a.m. on the third day following the election. The canvassing committees for local offices and local public questions, including 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 24; amended 1985, No. 197 (Adj. Sess.), § 6.)

§ 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) If two or more candidates of the same party are tied for the same office, 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:

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

(2) the senatorial district committee for State Senate;

(3) the county committee for county office; or

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

(c) The committee chair shall certify the candidate nomination for the general election to the Secretary of State within 48 hours of the nomination. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2009, No. 73 (Adj. Sess.), § 5, eff. April 7, 2010; 2013, No. 161 (Adj. Sess.), § 70.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 17.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 25; amended 1985, No. 197 (Adj. Sess.) § 1.)

Subchapter 2: 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 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 198 (Adj. Sess.), § 3; 1979, No. 200 (Adj. Sess.), § 26; 1985, No. 196 (Adj. Sess.), § 24; 2015, No. 30, § 5, eff. May 26, 2015.)

§ 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 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

(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:

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

[illegible]

"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

.....

Signature of Chairman

.....
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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 27; 1985, No. 137 (Adj. Sess.), § 1; 2001, No. 83 (Adj. Sess.), § 2.)

§ 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 election.

(c) In the case of a nomination by a minor political party, a statement shall be filed as set forth in section 2356 of this chapter.

(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. (Amended 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 28; 1985, No. 197 (Adj. Sess.), § 7; 2001, No. 83 (Adj. Sess.), § 3; 2003, No. 59, § 13; 2009, No. 73 (Adj. Sess.), § 6, eff. April 7, 2010; 2009, No. 98 (Adj. Sess.), § 1, eff. May 10, 2010; 2015, No. 30, § 6, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 29.)

Subchapter 3: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 196 (Adj. Sess.), § 8; 1995, No. 95 (Adj. Sess.), § 1.)

§ 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, 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. The statement of nomination shall include 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. Only the number of signers certified by each town clerk shall count toward the required number of signatures. 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, no sooner 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, no later than 5:00 p.m. on the third day following the primary election; or

(C) in the case of any other independent candidate, no sooner 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) No public official receiving nominations shall 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 30-32; 1985, No. 196 (Adj. Sess.), § 9; 1995, No. 95 (Adj. Sess.), § 2; 2001, No. 83 (Adj. Sess.), § 4; 2007, No. 54, § 3; 2007, No. 121 (Adj. Sess.), § 7, eff. May 6, 2008; 2009, No. 73 (Adj. Sess.), § 7, eff. April 7, 2010; 2009, No. 98 (Adj. Sess.), § 1, eff. May 10, 2010; 2013, No. 161 (Adj. Sess.), § 17a, eff. Jan. 1, 2016; 2015, No. 30, § 7, eff. Jan. 1, 2016.)

§ 2403. Number of candidates; party names

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. A person shall not sign more than one statement of nomination for the same office. 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; 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 may reject the statement of nomination. Except in the case of presidential and vice presidential candidates, the word "independent" may not be used as part of a party name; if no party is indicated, the word "Independent" shall be printed on the ballot, and no candidate appearing on the ballot as a candidate of a political party shall also appear on the ballot as an "Independent." (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 33; 1985, No. 196 (Adj. Sess.), § 10; 2001, No. 5, § 15.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 34; 1985, No. 196 (Adj. Sess.), § 11.)

Subchapter 4: 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2412. Withdrawal of candidacy

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 third day following the primary by filing a written notice of withdrawal with the town clerk in case of a candidate for justice of the peace, and with the secretary of state in case of all other offices. The name of a candidate who has withdrawn shall not be printed on the ballot. After that date, 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 35; 2003, No. 59, § 14.)

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 36; amended 2009, No. 73 (Adj. Sess.), § 8, eff. April 7, 2010; 2009, No. 98 (Adj. Sess.), § 1, eff. May 10, 2010; 2013, No. 161 (Adj. Sess.), § 18, eff. May 28, 2014; 2015, No. 30, § 8, eff. May 26, 2015.)

Subchapter 5: Presidential Nominations

§ 2420. *Repealed. 1985, No. 198 (Adj. Sess.), § 10.*

CHAPTER 51: CONDUCT OF ELECTIONS

Subchapter 1: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 38; 2003, No. 59, § 16.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 39.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 40.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2003, No. 4, § 1; 2003, No. 59, § 17; 2009, No. 40, § 1.)

§ 2455. Duties of election officials

The assistant election officers, together with the presiding officer and the board of civil authority, shall constitute the election officials. 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 the duties assigned to each election official. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 14; 2001, No. 5, § 4; 2007, No. 121 (Adj. Sess.), § 8.)

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 41; amended 1985, No. 148 (Adj. Sess.), § 1; 2003, No. 59, § 15; 2013, No. 161 (Adj. Sess.), § 19.)

§ 2458. Complaint procedure

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 Title III of United States Public Law 107-252 has occurred, is occurring, or is about to occur. For purposes of this section, "complaint" shall mean a statement in writing made by a voter stating, with particularity, the violation, notarized, and sworn or affirmed under penalty of perjury. 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. Any decision of the secretary may be appealed to the superior court in the county where the individual resides. (Added 2003, No. 59, § 18.)

Subchapter 2: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 42; 1985, No. 196 (Adj. Sess.), § 7; 1993, No. 138 (Adj. Sess.), § 1; 2007, No. 54, § 4; 2013, No. 161 (Adj. Sess.), § 22.)

§ 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."

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 43-45; 2007, No. 54, § 5; 2013, No. 161 (Adj. Sess.), § 23; 2015, No. 30, § 9, eff. May 26, 2015.)

§ 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) 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 freemen equal to the number of electors which the state is entitled to elect. The list shall be signed by the candidate personally. The persons so named shall be electors, having the duties prescribed in this title. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2007, No. 54, § 6.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1989, No. 200 (Adj. Sess.), § 2; 2003, No. 59, § 19; 2013, No. 161 (Adj. Sess.), § 24; 2015, No. 30, § 10, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 46; 2001, No. 6, § 12(b), eff. April 10, 2001.)

§ 2476. *Repealed. 1985, No. 197 (Adj. Sess.), § 2.*

§ 2477. *Repealed. 2003, No. 94 (Adj. Sess.), § 5.*

§ 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.] (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 48; 1981, No. 239 (Adj. Sess.), § 15; 1985, No. 109 (Adj. Sess.); 1991, No. 127 (Adj. Sess.); 2003, No. 94 (Adj. Sess.), § 1; 2013, No. 161 (Adj. Sess.), § 25.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 197 (Adj. Sess.), § 3; 2001, No. 6, § 12(b), eff. April 10, 2001; 2001, No. 83 (Adj. Sess.), § 5; 2007, No. 54, § 7; 2009, No. 73 (Adj. Sess.), § 9, eff. April 7, 2010.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 2013, No. 161 (Adj. Sess.), § 26.)

§ 2482. Repealed. 1979, No. 200 (Adj. Sess.), § 120.

Subchapter 3: 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 elections.

(b) A town with 1,000 or more registered voters as of December 31 in even-numbered years shall use vote tabulators for the registering and counting of votes in subsequent 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 49; 2003, No. 59, § 20; 2013, No. 161 (Adj. Sess.), § 27; 2015, No. 30, § 11.)

§ 2492. *Repealed. 2013, No. 161 (Adj. Sess.), § 43.*

§ 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 provide the voter the opportunity to correct the overvote, have the ballot declared spoiled, and obtain another ballot. 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.

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 51; 2001, No. 5, § 5; 2003, No. 59, § 22; 2003, No. 94 (Adj. Sess.), § 2; 2007, No. 54, § 8; 2015, No. 30, § 12, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 6, § 2, eff. April 10, 2001; 2003, No. 59, § 23; 2007, No. 121 (Adj. Sess.), § 9; 2013, No. 161 (Adj. Sess.), § 27.)

§ 2495. Repealed. 2013, No. 161 (Adj. Sess.), § 27.

§ 2496. Repealed. 1999, No. 2, § 2.

§§ 2497, 2498. Repealed. 2001, No. 5, § 6.

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 55; amended 1985, No. 203 (Adj. Sess.), § 3; 2001, No. 5, § 7; 2001, No. 6, § 12(a), eff. April 10, 2001; 2003, No. 59, § 24; 2013, No. 161 (Adj. Sess.), § 27.)

Subchapter 4: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 56; 1981, No. 239 (Adj. Sess.), § 42; 1985, No. 198 (Adj. Sess.), § 2; 1991, No. 147 (Adj. Sess.), § 3, eff. April 25, 1992.)

§ 2502. Location of polling places

(a) Each polling place shall be located in a public place within the town.

(b) The board of civil authority shall take such measures as are necessary to assure 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.

(c)(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 11; 1991, No. 147 (Adj. Sess.), § 4, eff. April 25, 1992; 2003, No. 94 (Adj. Sess.), § 3; 2013, No. 96 (Adj. Sess.), § 82; 2013, No. 161 (Adj. Sess.), § 34.)

§ 2503. *Repealed. 1979, No. 200 (Adj. Sess.), § 120.*

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 17.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 57.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1999, No. 2, § 1.)

§ 2508. Campaigning during polling hours; voter access

(a) The presiding officer shall insure during polling hours that:

(1) Within the building containing a polling place, no campaign literature, stickers, buttons, name stamps, information on write-in candidates, or other political materials are displayed, placed, handed out, or allowed to remain; and

(2) Within the building containing a polling place, no candidate, election official, or other person distributes election materials, solicits voters, or otherwise campaigns; and

(3) On the walks and driveways leading to a building in which a polling place is located, no candidate or other person may physically interfere with the progress of a voter to and from the polling place.

(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 title. (Amended 1989, No. 211 (Adj. Sess.), § 3; 2001, No. 5, § 14.)

§ 2509. *Repealed. 1981, No. 239 (Adj. Sess.), § 45, eff. July 1, 1982.*

Subchapter 5: 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. 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. 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 in place of those accidentally spoiled; information about offenses relating to elections; 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. 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. 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 61; 1985, No. 196 (Adj. Sess.), § 23; 1989, No. 211 (Adj. Sess.), § 4; 2001, No. 6, § 12(c), eff. April 10, 2001; 2003, No. 59, § 25.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 62; 1985, No. 196 (Adj. Sess.), § 25; 2003, No. 59, § 26.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 63; 2003, No. 59, § 27.)

Subchapter 6: Early Or Absentee Voters

§ 2531. Application for early voter absentee ballot

(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) All applications shall be filed with the town clerk of the town in which the early or absentee voter is registered to vote. 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) Voting by early voter absentee ballot shall be allowed only in elections using the Australian ballot system. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 64; 1993, No. 79, § 1; 2001, No. 6, § 3, eff. April 10, 2001.)

§ 2532. Applications; form

(a)(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. "Family member" here means a person's spouse, children, brothers, sisters, parents, spouse's parents, grandparents, and spouse's grandparents. Any other authorized person may apply in writing or in person.

(2) The application shall be in substantially the following form:

REQUEST FOR EARLY VOTER ABSENTEE BALLOT

Name of early or absentee voter: _____

Current address: _____

Residence (if different): _____

Date: _____

If applicant is other than early or absentee voter:

Name of applicant: _____

Address of applicant: _____

Relationship to early or absentee voter: _____

Organization, if applicable: _____

Date: _____ Signature of applicant: _____

(3) If the application is made by telephone or in writing, the information supplied must be in substantial conformance with the information requested on this form.

(b) A person temporarily residing in a foreign country who is eligible to register to vote in this State, or a military service absentee voter who is eligible to register to vote in this State, may apply for early voter absentee ballots in the same manner and within the same time limits that apply for other early or absentee voters. An official federal postcard application shall suffice as a simultaneous request for an application for addition to the checklist and for an early voter absentee ballot, when properly submitted. Any other person also may make a simultaneous request for an application for addition to the checklist and for an early voter absentee ballot.

(c) If the request is made for a person who is not yet registered and the request is received by the town clerk prior to the deadline for requesting early voter absentee ballots set forth in section 2531 of this chapter, the town clerk shall mail a blank application for addition to the checklist, together with a full set of early voter absentee ballots, to that person. All such applications for addition to the checklist 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. If the application is approved and the 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) An application for an early voter absentee ballot shall be valid for only one election, unless specific request is made by an early or absentee voter that the application be valid for both a primary election, excluding a presidential primary, and the general election next following, as long as both ballots are to be mailed to the same address.

(e) A person residing in a State institution may apply for early voter absentee ballots in the same manner and within the same time limits that apply for other early or absentee voters.

(f) The town clerk may, upon application, issue a duplicate early voter absentee ballot if the original ballot is not received by the voter within a reasonable period of time after mailing. 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. 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 with the earlier postmark shall be counted.

(g)(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 65; 1981, No. 239 (Adj. Sess.), § 31; 1985, No. 197 (Adj. Sess.), § 4; 1985, No. 198 (Adj. Sess.), §§ 3, 11, 12; 1989, No. 200 (Adj. Sess.), § 3; 1993, No. 80, § 1; 2001, No. 6, § 4, eff. April 10, 2001; 2001, No. 83 (Adj. Sess.), § 6; 2003, No. 94 (Adj. Sess.), § 4; 2007, No. 72, § 2; 2013, No. 161 (Adj. Sess.), § 35; 2015, No. 30, § 13, eff. May 26, 2015; 2015, No. 44, § 10, eff. Jan. 1, 2017.)

§ 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. (Added 2007, No. 111 (Adj. Sess.), § 1; amended 2007, No. 111 (Adj. Sess.), § 2, eff. July 1, 2009.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 6, § 12(b), eff. April 10, 2001.)

§ 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. (Added

1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 196 (Adj. Sess.), § 22; 1993, No. 79, § 2; 2001, No. 6, § 5, eff. April 10, 2001; 2013, No. 161 (Adj. Sess.), § 36, eff. July 1, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 6, § 12(a), (b), eff. April 10, 2001; 2013, No. 161 (Adj. Sess.), § 29.)

§ 2536. Furnishing early voter absentee ballot envelopes

Upon request, 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 66; 2001, No. 6, § 6, eff. April 10, 2001.)

§ 2537. Early or absentee voting in the town clerk's office

A voter may, if he or she chooses, apply in person to the town clerk for the early voter absentee ballots and envelopes rather than having them mailed as required by section 2539 of this title. In this case, the clerk shall furnish the early voter absentee ballots and envelopes when a valid application has been made. The voter may mark his or her ballots, seal them in the envelope, sign the certificate, and return the ballots in the sealed envelope to the town clerk or an assistant town clerk, without leaving the office of the town clerk, or the voter may take the ballots and return them to the town clerk in the same manner as if the ballots had been received by mail. No person, except justices of the peace as provided in section 2538 of this title, may take any ballot from the town clerk on behalf of any other person. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 67; 1993, No. 80, § 2; 2001, No. 6, § 7, eff. April 10, 2001.)

§ 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 or physical disability, ballots shall be delivered in the following manner unless the early or absentee voter has requested pursuant to section 2539 of this title that the early voter absentee ballots be mailed.

(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 or physical disability but who have not requested in their applications that early voter absentee ballots be mailed to them. No pair shall 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) No candidate or spouse, parent, or child of a candidate shall be eligible to perform the duties prescribed by this section unless the candidate involved is not disqualified by section 2456 of this title from serving as an election official. This shall not prevent a candidate for district office from serving as a justice in another district.

(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.

(b) The town clerk shall divide the list of applicants who have an illness or physical 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. 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. 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) 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. 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 ballot, they may be marked by one of the justices in full view of the other. (Added 1977, No. 269 (Adj. Sess.), § 1; amended

1979, No. 200 (Adj. Sess.), § 68; 1995, No. 95 (Adj. Sess.), § 3; 1997, No. 17, § 1; 2001, No. 6, § 12(a), (b), eff. April 10, 2001; 2013, No. 96 (Adj. Sess.), § 83; 2013, No. 161 (Adj. Sess.), § 37.)

§ 2539. Mailing of early voter absentee ballots; voters who are permanently disabled

(a) Unless the early or absentee voter votes in the town clerk's office, or unless the justices are to deliver the early voter absentee ballots to the early or absentee voter, 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. 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.

(b) In the case of persons who are early or absentee voters due to illness or physical disability, if the voter or authorized person requests in his or her application or otherwise that early voter absentee ballots be mailed rather than delivered by justices of the peace, the town clerk shall mail the ballots; otherwise the ballots shall be delivered to such voters by justices of the peace. In the case of all other early or absentee voters, the town clerk shall mail the early voter absentee ballots, unless the voter chooses to apply and vote in person at the town clerk's office.

(c) Early voter absentee ballots to military or overseas voters shall be sent air mail, first class, postpaid when such service is available, or they may be sent by email when requested by the voter. 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. 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 69; 2001, No. 6, § 8, eff. April 10, 2001; 2013, No. 96 (Adj. Sess.), § 222; 2013, No. 161 (Adj. Sess.), § 38.)

§ 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 substantially the following form:

INSTRUCTIONS FOR EARLY OR ABSENTEE VOTERS

1. Mark the ballots.
2. Seal them in this envelope.
3. Fill out and sign the certificate on the envelope.

4. Mail or deliver the sealed envelope containing the ballots to the town clerk of the town where you are a registered voter in time to arrive no later than election day.

Note: If these ballots have been brought to you personally by two justices of the peace because of your illness or physical disability, just return them to the justices after you have sealed and signed the envelope. **YOU HAVE THE RIGHT TO MARK YOUR BALLOTS IN PRIVATE** - but if you ask for help in filling out the ballots, they will give it to you.

**BE SURE TO FILL OUT AND SIGN THE CERTIFICATE ON THIS ENVELOPE OR
YOUR VOTE WILL NOT COUNT!**

(b) In the case of early absentee voting in a primary, the instructions shall also include appropriate instructions prepared by the secretary of state for separating and depositing unvoted ballots in a separate envelope provided and clearly marked for that purpose.

(Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 70; 2001, No. 6, §§ 12(a)-12(c), eff. April 10, 2001.)

§ 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) When an early or absentee voter is blind or is physically unable to go to the polls to vote in person or to mark his or her ballots, they may be marked by one of the officers who delivers the ballots, in the presence of the other officer. 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 spoils a ballot, the voter may return the spoiled ballot by mail or in person to the town clerk and receive another ballot, consistent with the provisions of section 2568 of this title. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 71; 2001, No. 6, § 9, eff. April 10, 2001.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 72; 1993, No. 80, § 3; 2001, No. 6, § 12(a), (b), eff. April 10, 2001; 2003, No. 59, § 28.)

§ 2543. Return of ballots

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 he or she is a voter, 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 him or her, and they shall deliver them to the town clerk. Once an early voter absentee ballot has been returned to the clerk in the sealed envelope with the signed certificate, it shall be stored in a secure place and shall not be returned to the voter for any reason. All early voter absentee ballots returned to the clerk before the polls close on election day shall be counted. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 73; 2001, No. 6, § 10, eff. April 10, 2001.)

§ 2544. Repealed. 1979, No. 200 (Adj. Sess.), § 120.

§ 2545. Receipt of marked ballots by town clerk; delivery to election officers

Upon receipt of the envelope containing the marked ballots of an early or absentee voter, the town clerk shall record the fact on the list of early or absentee voters and safely keep the envelope until election day. During the hours that the polls are open, he or she shall deliver the envelope to the presiding officer in the polling place where the early or absentee voter would have voted if he or she had voted in person. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 6, § 12(b), eff. April 10, 2001.)

§ 2546. Deposit of early voter absentee ballots in ballot box

(a)(1)(A) No sooner than 30 days before the opening of polls on election day, the town clerk of a municipality with at least 300 registered voters on its checklist may direct two election officials working together to open the outside envelope in order to sort early voter absentee ballots by ward

and district, may data enter the return of the ballots by the voter, may determine that the certificate has been signed, and may place the inside envelopes in various secure containers to be transported to the polling places on election day.

(B) No sooner than 48 hours before the opening of polls on election day, a town clerk in all other municipalities may direct two election officials working together to open the outside envelope and remove the certificate envelope in order to determine that an early voter absentee ballot certificate has been properly signed by the early voter, and that the name of the early voter appears on the checklist.

(2) The election officials shall check the name of the early voter off the entrance checklist and place the sealed envelope into a secure container marked "checked in early voter absentee ballots" to be transported to the polling place on election day.

(3) Upon opening of the polls on election day, ballots from this container shall be opened by election officials, who are not members of the same political party, and deposited either into the ballot box or into the vote tabulator.

(b) 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.

(1) If the ballots are in a container marked "checked in early voter absentee ballots," two election officials from different political parties shall open the envelopes and deposit the ballots into the ballot box or into the vote tabulator.

(2) If the ballots have not been previously checked off the entrance checklist and if an election official determines that the certificate on the envelope is signed by the early voter, the name of the early voter appears on the checklist, and the early voter is not a first-time voter in the municipality who registered by mail, the election official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or vote tabulator.

(3) If the early voter is a first-time voter who registered by mail, the election official shall determine whether the identification required under subdivision 2563(1) of this title has been submitted by the voter. Upon ascertaining that the proper identification has been submitted by the voter, the election official shall mark the checklist, open the envelope, and deposit the ballot in the proper ballot box or vote tabulator. If the proper identification has not been submitted, the ballot shall be treated as a provisional ballot, as provided in subchapter 6A of this chapter.

(c) All early voter absentee ballots shall be commingled with the ballots of voters who have voted in person. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 74;

2001, No. 6, § 12(a), (b), eff. April 10, 2001; 2003, No. 59, § 29; 2007, No. 54, § 8b; 2009, No. 70 (Adj. Sess.), § 1; 2013, No. 161 (Adj. Sess.), § 39.)

§ 2546a. Day preceding election; deposit of early voter absentee ballots in vote tabulator

(a) Generally. Notwithstanding any provision of law to the contrary, if a town will be using a vote tabulator for the registering and counting of votes in the upcoming election and will check in early voter absentee ballots in accordance with subsection 2546(a) of this chapter for that election, the board of civil authority may vote to permit elections officials to deposit those early voter absentee ballots into the vote tabulator in accordance with the provisions of this section. This depositing of these ballots shall take place at the town clerk's office on the 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 town clerk shall post notice that ballots will be so deposited 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 election. If a municipality has more than one polling place and the polling places are not all in the same building, the notice shall be posted in at least two public places within each voting district and in or near the town clerk's office.

(2) In addition, at least five days before the day preceding the election, the notice shall be published in a newspaper of general circulation in the municipality and on the municipality's website, if the municipality actively updates its website on a regular basis.

(3) The notice shall include the date and time for the count, inspection, and depositing of the ballots and the location of the town clerk's office.

(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) Count and inspection. On the day preceding the election, at least one hour prior to depositing the ballots in the vote tabulator, the town clerk and the election officials shall:

(1) first open the secure container marked "checked in early voter absentee ballots," count the sealed certificate envelopes containing those ballots, and record the number counted; and

(2) permit these sealed certificate envelopes to be inspected by members of the public.

(e) Processing.

(1) Immediately after the expiration of the period for the count and inspection described in subsection (d) of this section, the town clerk and election officials shall open each sealed certificate envelope containing an early voter absentee ballot and deposit each ballot into a vote tabulator.

(2) The town clerk and the election officials shall ensure that all procedures for handling ballots are followed to the fullest extent practicable.

(3) At the end of the processing, the town clerk shall verify that the vote tabulator's memory card is locked in place and shall sign a statement verifying how many early voter absentee ballots were counted by the vote tabulator and that the memory card is so locked. The town clerk shall compare the vote tabulator's number of counted ballots to the original count of those ballots described in subsection (d) of this section.

(f) Security. The town clerk shall otherwise comply with all provisions of this title relating to the security of the vote tabulator.

(g) Election day. On the day of the election, 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 that the town clerk verified the tabulator counted on the preceding day.

(h) Rules. The Secretary of State may adopt rules to implement the provisions of this section. (Added 2015, No. 80 (Adj. Sess.), § 7a, eff. Jan. 1, 2017.)

§ 2547. Defective ballots

If upon examination by the election officials it shall appear that the early or absentee voter is not legally qualified to vote, or has voted in person, or that the affidavit on any envelope is insufficient, the certificate is not signed, or the voted ballot is not in the voted ballot envelope, or, in the case of a primary vote, the early or absentee voter has failed to return the unvoted primary ballots, such envelope shall be marked "defective," and the ballots inside shall not be counted and shall be returned in the unopened envelope to the town clerk in the manner prescribed by section 2590 of this title. The provisions of this section shall be indicated prominently in the early or absentee voter material prepared by the Secretary of State. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 196 (Adj. Sess.), § 6; 2001, No. 6, § 11, eff. April 10, 2001; 2015, No. 30, § 14, eff. May 26, 2015.)

§ 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 marked and returned early voter absentee ballots, and these persons shall not thereafter vote in person in the same election.

(b) A person who in good faith has received early voter absentee ballots for his or her use but has not yet marked them, if he or she is able to vote in person, may cast the early voter absentee ballots as provided above, or may vote in person after returning the complete set of unmarked ballots, together with the envelope intended for their return, to the presiding officer at the time the voter appears to vote in person. If a person does not have his or her absentee ballots to return, the person shall be checked off the checklist and permitted to vote only after completing a sworn affidavit

that he or she does not have his or her absentee ballots to return. The presiding officer shall return the unused early voter absentee ballots and envelope to the town clerk, who shall make a record of their return on the list of early or absentee voters and treat them as spoiled or unused ballots, pursuant to section 2568 of this title. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 6, § 12(a), (b), eff. April 10, 2001; 2007, No. 54, § 8c.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2001, No. 6, § 12(a), (b), eff. April 10, 2001.)

Subchapter 6A: 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: "Provisional balloting allows a provisional voter only to vote in federal elections. If you wish to vote in any other State or local election, you should return this form to the elections officials and file an appeal in Superior Court in the county in which you live pursuant to section 2148 of this title. 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." (Added 2003, No. 59, § 30, eff. June 7, 2003; amended 2015, No. 44, § 11, eff. Jan. 1, 2017.)

§ 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. (Added 2003, No. 59, § 30, eff. June 7, 2003; amended 2007, No. 54, § 9; 2015, No. 44, § 12, eff. Jan. 1, 2017.)

§ 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. (Added 2003, No. 59, § 30, eff. June 7, 2003.)

Subchapter 7: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 75; 2003, No. 59, § 31; 2007, No. 121 (Adj. Sess.), § 10.)

§ 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 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 44; 2003, No. 59, § 32; 2015, No. 44, § 13, eff. Jan. 1, 2017.)

§ 2564. Challenges

(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 outside the guardrail for the purpose of observing the voting process and challenging the right of any person to vote. 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. 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. The grounds of challenge of a person whose name appears on the checklist shall be only:

(1) that he or she is not, in fact, the person whose name appears on the checklist, or

(2) 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. If the board overrules the challenge, the person shall immediately be admitted within the guardrail and permitted to vote. 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2565. Delivery of ballots

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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 76; 2013, No. 161 (Adj. Sess.), § 71.)

§ 2566. Marking ballots

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 filling in the name of the candidate of his or her choice in the blank space provided and the square or oval to the right of that blank space. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2015, No. 30, § 15, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2003, No. 59, § 33, eff. Jan. 1, 2006; 2013, No. 96 (Adj. Sess.), § 84; 2013, No. 161 (Adj. Sess.), § 30.)

§ 2568. Spoiled and unused ballots

A person shall not take or remove a ballot from the polling place before the close of the polls. If a voter spoils a ballot, he or she may obtain others, one at a time, not exceeding three in all, upon each time returning the spoiled one. If a person fails to use a ballot, he or she shall deliver it to the presiding officer before going outside the guardrail. Spoiled and unused ballots shall be immediately canceled and, together with those originally delivered to the presiding officer which remain undistributed to the voters, shall be preserved and returned to the town clerks, in the same manner provided for in section 2590 of this title, and the clerk shall preserve them in such condition, unless called for by some authority entitled to demand and receive them. After 90 days from the date the election is held, they may be destroyed or distributed by the town clerk for educational purposes or for any other purpose the town clerk deems appropriate. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 196 (Adj. Sess.), § 1; 1989, No. 200 (Adj. Sess.), § 4; 2003, No. 59, § 34; 2015, No. 30, § 16, eff. May 26, 2015.)

§ 2570. Depositing ballots

(a) In primary elections, the voter shall first hand any unvoted ballots to the appropriate election official, who shall deposit those ballots in a receptacle marked for unvoted 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 77; 2015, No. 30, § 17, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 78; 2001, No. 5, § 8.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 79; amended 2003, No. 59, § 35; 2013, No. 161 (Adj. Sess.), § 31.)

Subchapter 8: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 80.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 81; 1981, No. 239 (Adj. Sess.), § 30; 2003, No. 59, § 36.)

§ 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.] (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 82; 1985, No. 196 (Adj. Sess.), § 3; 2003, No. 59, § 37; 2013, No. 161 (Adj. Sess.), § 32.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2586. Secretary of state to prepare forms

The secretary of state shall design, prepare, and distribute a sufficient supply of the following forms, which shall be used in each polling place during the counting process:

(1) Tally sheets. 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. 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. Blank and spoiled ballots shall be indicated. All ballots 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2587. Rules for counting ballots

(a) In counting ballots, election officials shall attempt to ascertain the intent of the voter, as expressed by markings on the ballot which is consistent with guidance adopted by the Secretary of State. The Secretary shall adopt, by rule, guidance on determining whether a ballot is spoiled.

If it is impossible to determine the intent of the voter for any office or public question, the ballot shall be counted as blank or spoiled, as the case may be, for that office or question; but that determination shall not control any other office or question on the ballot for which the voter's intent can be determined. If they have any doubt about the intent of the voter or any other question about a ballot, the election officials counting the ballot shall bring it to the presiding officer, who shall present the question of how to treat the ballot to the assembled election officials. The decision of how to treat the ballot 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, his or her ballot shall not be counted for that office or public question.

(c) 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, that ballot shall be rejected. The board shall make a record of the rejection and the reason for it, and shall preserve the record with the ballot in question.

(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 persons shall not be listed.

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 83-85; 2003, No. 59, § 38; 2015, No. 30, § 17a, eff. May 26, 2015.)

§ 2588. Filing returns

(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. As each summary sheet is completed, the presiding officer shall publicly announce the results.

(b) 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 two additional copies of the tabulator tape. The unofficial results from the tape may be publicly announced, and one copy of the printed tape may be posted in the polling place upon a placard that clearly states: "Unofficial incomplete results."

(c) For any primary or general election:

(1) 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.

(2) 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.

(3) 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.

(d) The presiding officer and one other election official then shall proceed either to complete the return at once, or to store the summary sheets in a safe and secure place until their retrieval for completion of the return. In any event, no later than 24 hours after the polls close, the presiding officer and at least one other election official shall transfer the totals from the summary sheets to the proper spaces on the return, and both shall sign the return. The town clerk shall store the

summary sheets safely so that the public cannot reasonably have access to them for a period of 90 days without the town clerk's consent. The original of the return shall be delivered to the town clerk. In a manner prescribed by the Secretary of State and within 48 hours of the close of the polls, the town clerk shall deliver to the Secretary of State, the senatorial district clerk, the county clerk, and the representative district clerk one certified copy each of the return. The town clerk shall also make a copy available to the public upon request. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 86; 2003, No. 59, § 39; 2009, No. 40, § 2; 2013, No. 161 (Adj. Sess.), § 40; 2015, No. 30, § 18, eff. May 26, 2015.)

§ 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." (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2590. Securing and storing ballots, tally sheets, and checklists

(a) The packages of ballots, tally sheets, and other election material shall be collected by the presiding officer and delivered to the town clerk, securely sealed in the containers provided for in subsection (b) of this section. 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 checklist or checklists are located a tag stating that the checklist or checklists are in that container. 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. The entrance checklist shall also be forwarded to the town clerk.

(b) The secretary of state shall furnish to all town clerks sufficient quantities of uniform-style containers. The secretary of state 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) The presiding officer shall return all sealed containers to the town clerk, who shall safely store them and shall not permit them to be removed from his or her custody or tampered with in any way. In the event that a ballot bag or container breaks, splits, or opens through handling, or in the event the entrance checklist was inadvertently sealed in a ballot bag or container, the town clerk shall notify the secretary of state in writing, and the secretary of state shall order the town clerk in the presence of two town election officials who are not members of the same political party to open the bag to remove the entrance checklist or to move the entire contents to new bags or containers, affix new seals, and transmit the new seal numbers. Ballot bags or 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. If necessary for safe storage of the containers, the town clerk may store them in a bank vault or other secure place, within or without 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 87; 1985, No. 148 (Adj. Sess.), § 2; 1985, No. 196 (Adj. Sess.), § 4; 1995, No. 148 (Adj. Sess.), § 4(a); 2007, No. 54, § 10.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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 (except justice of the peace) 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.

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but shall not sign it. The prepared certificate shall be presented to the official canvassing committee appointed by the general assembly, pursuant to Chapter II, § 47 of the Vermont constitution, for their use if they desire.

(l) 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.

(m) Each canvassing committee shall file a report of its findings with the secretary of state, who shall preserve the reports as permanent records. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 88; 2003, No. 59, § 40.)

§ 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. (Added 2007, No. 54, § 11; amended 2013, No. 161 (Adj. Sess.), § 41, eff. July 1, 2015; 2015, No. 30, § 19.)

Subchapter 9: Recounts And Contest Of Elections

§ 2601. Recounts

(a) In an election for 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 less than two percent 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 an election for all other offices, if the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is less than five percent 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 89; 2009, No. 98 (Adj. Sess.), § 2, eff. May 10, 2010; 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602. Petitions for recounts

(a) In the case of recounts for local elections and recounts for the office of justice of the peace, the procedures for conducting the recount shall be as provided in subchapter 3 of chapter 55 of this title.

(b) In the case of recounts other than specified in subsection (a) of this section, the following procedure shall apply. A petition for a recount shall be filed within seven calendar days after the election. The petition shall be filed with the Civil Division of the Superior Court, Washington County, in the case of candidates for State or congressional office, or for a presidential election; the petition shall be filed with the Superior Court in any county in which votes were cast for the office to be recounted, in the case of any other office. 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 set the date of the recount to be five business days after the Court receives the petition for the recount and shall notify all candidates of that date no later than the next business day after the petition is received.

(2) The Superior Court shall forward a copy of the petition to the county clerk. The Court shall order the town clerk or clerks having custody of the ballots to be recounted or their designees to transport them to the county clerks of their respective counties before the day set for the recount. County clerks shall store all ballots, still in their sealed containers, in their vaults until the day of the recount.

(d)-(h) [Repealed.]

(i) The Secretary of State shall bear the costs of recounts covered under this chapter. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 90-93; 1985, No. 148 (Adj. Sess.), §§ 3, 4; 1985, No. 196 (Adj. Sess.), § 16; 1989, No. 211 (Adj. Sess.), § 5; 2007, No. 54, § 13; 2009, No. 154 (Adj. Sess.), § 140; 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602a. Appointment of recount committee; setting date of recount

(a)(1) Upon receipt of a petition, the county clerk shall notify the chairs of the relevant county political committees that a petition has been filed requesting a recount and advising them to submit immediately a list of nominees for individuals to serve on a recount committee.

(2) In the case of a recount in a primary election, the county clerk shall notify all candidates for the office which is the subject of the recount, advising them to submit immediately a list of nominees for individuals to serve on a recount committee.

(3) If a candidate for an office which is the subject of a recount is from a party which does not have a county committee, the county clerk shall send a copy of the notice to the State committee of the party advising them to submit immediately a list of nominees for individuals to serve on a recount committee.

(4) If a candidate for an office which is the subject of a recount is independent, the county clerk shall send that candidate a copy of the notice and request him or her to submit immediately a similar list of nominees for individuals to serve on a recount committee.

(5) 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) The Superior Court shall make appointments to the recount committee from among those nominated under this section. In making these appointments, the court shall appoint an equal number of persons from each party and from those persons representing an independent candidate. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2009, No. 40, § 3, eff. May 26, 2009; 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602b. Assignment of duties

(a)(1) The county clerk shall supervise the recount and may appoint a sufficient number of impartial assistants to perform appropriate tasks which have not been assigned to recount committee members. The county clerk shall recruit town clerks 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 shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount.

(b) The county clerk shall assign committee members to teams of at least four persons, consisting of one caller and one observer, representing different candidates, and one tally person and one double-check person, representing different candidates. Any additional team members shall be additional observers and double-check persons, who shall be assigned to ensure that each candidate has one person assigned as either a caller or an observer and one person assigned as either a tally person or a double-check person. One team shall be designated as the clerk observer team, which shall perform only the functions established under this subchapter for that team.

(c) The recount committee shall use fresh seals, manila tags, tally sheets, double-check sheets, summary sheets for each polling place, master lists for the entire election to be recounted, and other appropriate material provided by the Secretary of State. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42; 2015, No. 30, § 20, eff. May 26, 2015.)

§ 2602c. Preparation for recount

(a) Before the recount begins, the county clerk shall explain the recount procedures which are to be followed and shall answer questions relating to such procedures. The county clerk shall use volunteer town clerks to operate and instruct on the use of vote tabulators.

(b) Each recount team shall recount the contents of one container before opening another container at its table, shall recount the contents of all the containers relating to one polling place before moving to those of another polling place, and shall complete the recount for one town before moving to material relating to another town.

(c) For each polling place, the number of containers shall be counted and recorded on the master list.

(d) 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. Likewise, each seal shall be examined to see if it is intact, and the county clerk shall attach to any bag with a defective seal a tag stating that the seal was defective and containing the information which was contained on the defective seal.

(e) Uncounted containers shall be kept in one part of the room and moved to the other side as they are counted; each team shall have a separate table and the county clerk shall have a separate table, all of which tables shall be spaced apart.

(f) If there is more than one container from a polling place, the county clerk shall open first the container which is identified as containing the checklist. Upon opening the first container in the presence of the clerk observer team, the county clerk shall empty the contents onto the clerk's table. The county clerk shall ensure that teams are not given unused ballots, early or absentee ballots which arrived after the close of polls, or ballots spoiled by voters and turned in by voters requesting fresh ballots. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2001, No. 6, § 12(a), eff. April 10, 2001; 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602d. Examination of checklists

(a) The checklist from the first bag shall be assigned to a team. The caller and observer, 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.

(b) Then the checklist shall be examined by the tally person and the double-check person, repeating the process until they agree on a number or they agree to disagree on the number.

(c) 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.

(d) 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 the disagreement. If one or more team members do not agree with the number submitted, the county clerk shall note on the master list the fact that the number of people appearing as having voted on a specified checklist was subject to dispute. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602e. Repealed. 2015, No. 30, § 21, effective May 26, 2015.

§ 2602f. Recount by vote tabulator

(a)(1) Vote tabulator-readable ballots from each container shall be fed through a vote tabulator by one team until all vote tabulator-readable ballots from the container have been entered. For ballots unable to be read by a vote tabulator, such as damaged or plain paper ballots, a second team shall collect these ballots from the pile and transfer the voter's choices on those ballots to blank ballots provided by the Secretary of State. After all of the vote tabulator-readable ballots have been fed through the vote tabulator, the first team shall feed through the vote tabulator any transfer ballots created by the second team.

(2) The recount teams shall switch roles for each subsequent container of ballots of a polling place that are to be fed through the vote tabulator, if there is more than one container per polling place.

(3) This process shall be used until all ballots from a polling place have been tabulated by a vote tabulator.

(b) After all ballots from a polling place have been tabulated by a vote tabulator, a recount team shall print the tabulator tape containing the unofficial results and document those results on a tally sheet. Another recount team shall then open the tabulator's ballot box and remove all ballots. The ballots shall then be divided among the recount teams to be examined to find write-in names and markings of voter intent that were not vote tabulator-readable as outlined in the Secretary of State's vote tabulator guide and most recent elections procedures manual. A caller, tally person, and double-check person shall be used to examine the ballots removed from the ballot box. If the caller and the observer or observers do not agree on how a ballot should be counted, the entire team shall review the ballot and if all members agree, it shall be counted that way.

(c) If one person does not agree, that ballot shall be set aside as a questioned ballot and a copy shall be made, which copy shall be clearly marked on its face identifying it as a copy. Any copies shall be placed on the top of the other ballots and shall remain together with the other ballots. Each

original ballot deemed questionable shall be attached to a note which identifies it by town, county, polling place, and bag seal number. The originals of these questionable ballots shall be clipped to the summary sheet for that polling place and returned to the court for a final decision.

(d) After the court has rendered a final decision on a given questionable ballot, it shall be returned to the county clerk who shall keep it in a sealed container for a period of two years.

(e) Write-in votes for preprinted candidates shall be counted as votes for that candidate.

(f) If the tally persons do not agree on the number of votes for a candidate on ballots not able to be read by the vote tabulator, the ballots shall be retallied until they do agree. Then the team shall notify the clerk that it has completed its recount. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42; 2015, No. 30, § 22, eff. May 26, 2015.)

§ 2602g. Repealed. 2013, No. 161 (Adj. Sess.), § 43.

§ 2602h. Completing the tally

(a) After the totals for a polling place have been listed, the county clerk shall add them up in the presence of the clerk observer team, and shall compare the number with the number of voters who voted at that polling place, according to the number obtained from the team that examined the certified checklist. If these numbers differ, the county clerk shall note the amount of the difference on the summary sheets for that polling place.

(b) The county clerk shall return all ballots to the container, seal it, record the seal number on the summary sheet, write "recounted" and specify the date of the recount on the tag, and move it to the other side of the room, making sure that there is never more than one bag open at any one time.

(c) This procedure shall be repeated for each container, until the results from a polling place have been recounted, and then it shall be repeated until the results from all polling places in a town have been recounted, and then until the results from all towns have been recounted.

(d) The county clerk shall add the totals on each summary sheet, affix the clerk's seal, and send the summary sheets for all polling places together with the master list and any questionable ballots to the court by certified mail, return receipt requested, or shall certify the results to the judge. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602i. Costs

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. These and other necessary expenses, as approved by the court, shall be paid by the State

through the Court Administrator's Office. The Secretary of State shall reimburse the Court Administrator's Office. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602j. Other rules for conducting the recount

(a) 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) The county clerk shall designate an area within which the recount shall take place. Persons who are not committee members shall be permitted to view a recount in progress, but persons not authorized by the county clerk shall not be permitted within the area designated by the county clerk.

(c) Candidates and their attorneys shall be given the opportunity to present evidence to the court relating to the conduct of the recount. 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. After such hearings or arguments as may be indicated under the circumstances, the Superior Court, within five working days, shall issue a judgment, which shall supersede any certificate of election previously issued and shall return to the county clerk questionable ballots which had been forwarded to the court. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602k. After the recount

(a) If the recount results in a tie, the court shall order a recessed election to be held, within three weeks of the recount, on a date set by the court. The only candidates who shall appear on the ballot at the recessed election shall be those who tied in the previous election. The recessed election shall be considered a separate election for the purpose of voter registration under chapter 43 of this title. If the recount confirms a tie as to any public question, no recessed election shall be held, and the question shall be certified not to have passed. Warnings for a recessed 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 recessed election. The conduct of a recessed election shall be as provided in this chapter for general elections.

(b) After the recount, the county clerk shall seal the ballots and other materials back in the containers and store them in the county clerk's vault until returned to the towns. The county clerk shall return all ballots to the respective town clerks after issuance of the court's judgment, together with a copy of the judgment. The respective town clerks or their designees shall transport the ballots to the towns from which they came.

(c) The court shall send a certified copy of the judgment to the Secretary of State. (Added 1985, No. 148 (Adj. Sess.), § 5; amended 2013, No. 161 (Adj. Sess.), § 42.)

§ 2602l. Repealed. 2013, No. 161 (Adj. Sess.), § 43.

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 94, 95;

1981, No. 239 (Adj. Sess.), § 19; 1985, No. 148 (Adj. Sess.), § 6; 1985, No. 196 (Adj. Sess.), § 15; 2009, No. 154 (Adj. Sess.), § 141.)

§ 2604. *Repealed. 1985, No. 148 (Adj. Sess.), § 7.*

§ 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 of 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 no later than the latest of the following:

- (1) 20 days after the date of the election;
- (2) 10 days after a final court judgment, if there is a recount under section 2602 of this title; or
- (3) 10 days after a final court judgment, if there is a contest under section 2603 of this title.

(b) 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 state at least 10 days before the general assembly convenes. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 96.)

§ 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 of 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 no later than the latest of the following:

- (1) 20 days after the date of the election;
- (2) 10 days after a final court judgment, if there is a recount under section 2602 of this title; or
- (3) 10 days after a final court judgment, if there is a contest under section 2603 of this title.

(b) 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 97.)

§ 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. (Added 1995, No. 38, § 1.)

Subchapter 10: 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2009, No. 154 (Adj. Sess.), § 238.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

CHAPTER 53: VACANCIES

§ 2621. Vacancy in office of United States senator or representative

If a vacancy occurs in the office of United States senator or United States 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. The special election shall be held not more than three 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1981, No. 239 (Adj. Sess.), § 20; 2013, No. 161 (Adj. Sess.), § 44.)

CHAPTER 55: LOCAL ELECTIONS

Subchapter 1: 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2631. Municipal charter

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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2005, No. M-13 (Adj. Sess.), § 21.)

Subchapter 2: 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) 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 on that day at the annual meeting, regardless of the location of the polling place. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1991, No. 118 (Adj. Sess.), § 1, eff. Feb. 26, 1992; 2007, No. 121 (Adj. Sess.), § 11; 2013, No. 161 (Adj. Sess.), § 45.)

§ 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. (Added 2009, No. 125 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 98; 1985, No. 196 (Adj. Sess.), § 5; 1999, No. 148 (Adj. Sess.), § 85, eff. May 24, 2000; 2013, No. 161 (Adj. Sess.), § 66.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 99; 2001, No. 6, § 12(c), eff. April 10, 2001; 2013, No. 161 (Adj. Sess.), § 46; 2015, No. 30, § 23, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2013, No. 161 (Adj. Sess.), § 47; 2015, No. 30, § 24, eff. May 26, 2015.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2645. Charters, amendment, procedure

(a) A municipality may propose to the general assembly to 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 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 proposed charter amendments 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 and copies thereof shall be made available to members of the public upon request.

(3) The legislative body of the municipality shall hold at least two public hearings prior to the vote on the proposed charter amendments. The first public hearing shall be held at least 30 days before the annual or special meeting.

(4) If the proposals to amend the charter are made by the legislative body, the legislative body may revise the amendments 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. 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) If the proposals to amend the charter are 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 proposals to amend the charter made by petition. After the warning and hearing requirements of this section are satisfied, proposals by petition shall be submitted to the voters at the next annual meeting, primary, or general election in the form in which they were filed, except that the legislative body may make technical corrections.

(6) Notice of the public hearings and of the annual or special meeting shall be given in the same way and time as for annual meetings of the municipality. Such notice shall specify the sections to be amended, setting out sections to be amended in the amended form, with deleted matter in brackets and new matter underlined or in italics. If the legislative body of the municipality determines that the proposed charter amendments are too long or unwieldy to set out in amended form, the notice shall include a concise summary of the proposed charter amendments and shall state that an official copy of the proposed charter amendments 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) Voting on charter amendments shall be by Australian ballot. The ballot shall show each section to be amended in the amended form, with deleted matter in brackets and new matter underlined or in italics and shall permit the voter to vote on each proposal of amendment separately. If the legislative body determines that the proposed charter amendments are too long or unwieldy to be shown in the amended form, an official copy of the proposed charter amendments shall be maintained conspicuously in each ballot booth for inspection by the voters during the balloting and voters shall be permitted to vote upon the charter amendments in their entirety in the form of a yes or no proposition.

(b) 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. The clerk, within 10 days after the day of the election, shall certify to the secretary of state each proposal of amendment showing the facts as to its origin and the procedure followed.

(c) The secretary of state shall file the certificate and deliver copies of it to the attorney general and clerk of the house of representatives, the secretary of the senate, and the chairman of the committees concerned with municipal charters of both houses of the general assembly.

(d) The amendment shall become effective upon affirmative enactment of the proposal, either as proposed or as amended by the general assembly. A proposal for a charter amendment may be enacted by reference to the amendment as approved by the voters of the municipality. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 100; 1981, No. 239 (Adj. Sess.), § 22, eff. May 4, 1982; 1983, No. 161 (Adj. Sess.); 1987, No. 63.)

§ 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 for a term of one year unless a town votes that a town 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 for a term of 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) One or more grand jurors.
- (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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1983, No. 218 (Adj. Sess.); 1991, No. 177 (Adj. Sess.), § 1; 1997, No. 83 (Adj. Sess.), § 1; 1999, No. 22, § 1; 1999, No. 73 (Adj. Sess.), § 1; 2001, No. 3, § 1; 2013, No. 21, § 1; 2013, No. 106 (Adj. Sess.), § 1; 2013, No. 161 (Adj. Sess.), § 48; 2013, No. 162 (Adj. Sess.), § 5.)

§ 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, auditor, or town agent. A selectboard member shall not be lister or assessor.

(3) A cemetery commissioner shall not be town treasurer.

(4) A town manager shall not hold any elective office in the 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 person shall be eligible to hold office as auditor even if that person's spouse holds office as a school director. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 196 (Adj. Sess.), § 6; 1993, No. 91, § 2; 2009, No. 44, § 5, eff. May 21, 2009; 2013, No. 21, § 2; 2013, No. 162 (Adj. Sess.), § 7.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1999, No. 73 (Adj. Sess.), § 2; amended 2013, No. 21, § 3.)

§ 2650. Additional selectmen and listers

(a) A town may vote at a special or annual town meeting to elect not more than two additional listers for terms of one year each.

(b) A town may vote at a special or annual town meeting to elect not more than two additional selectmen for terms of either one or two years each. When the terms of the additional selectmen are to be for two years, the warning for the meeting shall so specify. If two additional selectmen 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 selectmen are first elected, one shall be elected for one year and the other selectman for two years. Terms of these additional selectmen shall end on annual meeting days. If the additional selectmen 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) A vote establishing additional selectmen or listers shall remain in effect until the town votes to discontinue the positions at an annual or special meeting duly warned for that purpose. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1999, No. 22, § 2.)

§ 2651a. Constables; appointment; removal

(a) A town may vote by Australian ballot at an annual meeting to authorize the selectmen to appoint a first constable, and if needed a second constable, in which case at least a first constable shall be appointed. A constable so appointed may be removed by the selectmen for just cause after notice and hearing. When a town votes to authorize the selectmen to appoint constables, the selectmen's authority to make such appointments shall remain in effect until the town rescinds that authority by the majority vote of the legal 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 selectmen 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 legislative body at least 15 days before the vote by at least five percent of the voters of the municipality. (Added 1991, No. 177 (Adj. Sess.), § 2.)

§ 2651b. Elimination of office of auditor; appointment of public accountant

(a) A town may vote by ballot at an annual meeting to eliminate the office of town auditor. 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. Unless otherwise provided by law, the selectboard shall provide for all other auditor duties to be performed. A vote to eliminate the office of town auditor shall remain in effect until rescinded by majority vote of the legal 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. (Added 1997, No. 83 (Adj. Sess.), § 2; amended 2011, No. 129 (Adj. Sess.), § 28, eff. July 1, 2013; amended 2013, No. 21, § 3a.)

§ 2651c. Lack of elected lister; appointment of lister; elimination of office

(a) 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 municipality 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 32 V.S.A. chapter 121, subchapter 2 until the next annual meeting. The appointed person need not be a resident of the municipality and shall have the same powers and be subject to the same duties and penalties as a duly elected lister for the municipality.

(b)(1) A town may vote by ballot at an annual meeting to eliminate the office of lister. 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. 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.

(2) A vote to eliminate the office of lister shall remain in effect until rescinded by majority vote of the legal voters present and voting at an annual meeting warned for that purpose.

(3) 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.

(4) The authority to vote to eliminate the office of lister as provided in this subsection 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. (Added 2003, No. 125 (Adj. Sess.), § 1; amended 2013, No. 21, § 4.)

§ 2651d. Collector of delinquent taxes; appointment; removal

(a) A municipality may vote at an annual or special meeting to authorize the legislative body to appoint a collector of delinquent taxes, who may be the municipal treasurer. 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 legal voters present and voting at an annual or special meeting, duly warned for that purpose. (Added 2013, No. 162 (Adj. Sess.), § 6.)

§ 2652. Road and water commissioners

The board of selectmen may and, when requested by at least five percent of the legal voters of a town at least 40 days prior to the annual town meeting, they shall insert in the warning for the annual town meeting an article on the question of whether or not the town shall elect a road commissioner or commissioners, or water commissioners, as provided in section 2651 of this title. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2654. Refusal to serve

A person may refuse to accept election or appointment to any municipal office. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 101.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 102.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 103; 1981, No. 239 (Adj. Sess.), § 23.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 260 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 104; 2013, No. 161 (Adj. Sess.), § 49.)

§ 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 the succeeding 12 months except with the approval of the legislative body.

(d) For a vote by Australian ballot, the form of the ballot shall be as follows: "Article 1: cite the article to be reconsidered as lastly voted]."

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 105; 1991, No. 235 (Adj. Sess.); 2007, No. 36, § 1; 2013, No. 161 (Adj. Sess.), § 50.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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 r

report, a description of all grants or gifts accepted during the year and associated expenditures. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 2007, No. 121 (Adj. Sess.), § 12; 2015, No. 30, § 25, eff. May 26, 2015.)

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 106.)

§ 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. (Added 1979, No. 200 (Adj. Sess.), § 107.)

§ 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. (Added 1983, No. 90, § 2, eff. April 29, 1983; amended 2013, No. 96 (Adj. Sess.), § 85.)

Subchapter 3: 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 budget article or 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) Hearing. 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. The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The hearing under this subsection may be held in conjunction with the meeting held under subsection 2640(c) of this title, in which case the moderator shall preside. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 108, 120; 1981, No. 239 (Adj. Sess.), § 24; 1983, No. 30; 2003, No. 59, § 42; 2007, No. 121 (Adj. Sess.), § 13; 2015, No. 30, § 26, eff. May 26, 2015; 2015, No. 97 (Adj. Sess.), § 46.)

§ 2681. Nominations; petitions; consents

(a)(1) 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, no 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, and the candidate's name shall appear on the petition as it does on the voter checklist. A voter shall not sign more than one petition for the same office, unless more than one nomination is to be made, in which case the voter may sign as many petitions as there are nominations to be made for the same office.

(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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), §§ 109, 120; 1981, No. 239 (Adj. Sess.), § 25; 1985, No. 137 (Adj. Sess.), § 3; 2013, No. 161 (Adj. Sess.), § 51; 2015, No. 30, § 27, eff. May 26, 2015.)

§ 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 spoiled votes, is cast in favor of the proposition. (Added 1979, No. 200 (Adj. Sess.), § 110; amended 1989, No. 211 (Adj. Sess.), § 6; 2007, No. 54, § 12; 2013, No. 161 (Adj. Sess.), § 52.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 111; 2007, No. 54, § 14; 2013, No. 161 (Adj. Sess.), § 53.)

§ 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. (Added 2013, No. 161 (Adj. Sess.), § 54.)

§ 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. (Added 2013, No. 161 (Adj. Sess.), § 55.)

§ 2683. Request for a recount; candidates

(a) A candidate for local office may request a recount by filing a request 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 less than five percent 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 112; 2013, No. 161 (Adj. Sess.), § 56.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 113.)

§ 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.

(2) When the ballot for the office is printed on index stock and configured to be readable by vote tabulator, the presiding officer 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 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 114; 2009, No. 40, § 4a; 2013, No. 161 (Adj. Sess.), § 57; 2015, No. 30, § 28, eff. May 26, 2015.)

§ 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) The presiding officer shall supervise the recount.

(3) The board of civil authority shall appoint a sufficient number of impartial assistant election officers to perform appropriate tasks that are not practicable for the board of civil authority to perform. Each assistant election officer shall be appointed and sworn as set forth in section 2454 of this title.

(4) The presiding officer shall assign members of the board of civil authority to teams of at least four persons, consisting of one caller and one observer, representing different candidates, and one tally person and one double-check person, representing different candidates. Any additional team members shall be additional observers and double-check persons who shall be assigned to ensure that each candidate has one person assigned as either a caller or an observer and one person assigned as either a tally person or a double-check person. One team shall be designated as the presiding officer observer team, which shall perform only the functions established under this section for that team.

(5) The board of civil authority shall use fresh seals, manila tags, tally sheets, double-check sheets, summary sheets for each polling place, master lists for the entire election to be recounted, and other appropriate material provided by the Secretary of State.

(b) Preparation for recount.

(1) Before the recount begins, the presiding officer shall explain the recount procedures which are to be followed and shall answer questions relating to such procedures.

(2) The recount teams established 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.

(3) For each polling place, the number of containers shall be counted and recorded on the master list.

(4) Before opening, each container shall be inspected, and if no tag is present, replacement manila tags shall be affixed, specifying the date of election and the name of town and polling place. Likewise, each seal shall be examined to see if it is intact, and the presiding officer shall attach to any bag with a defective seal a tag stating that the seal was defective and containing the information which was contained on the defective seal.

(5) Uncounted containers shall be kept in one part of the room and moved to the other side as they are counted. Each team shall have a separate table and the presiding officer shall have a separate table, all of which tables shall be spaced apart.

(6) If there is more than one container from a polling place, the presiding officer shall open first the container which is identified as containing the checklist. Upon opening the first container in the presence of the presiding officer observer team, the presiding officer shall empty the contents onto the presiding officer's table. The presiding officer shall ensure that teams are not given unused ballots, early or absentee ballots which arrived after the close of polls, or ballots spoiled by voters and turned in by voters requesting fresh ballots.

(c) Examination of checklists.

(1) The checklist from the first bag shall be assigned to a team. The caller and observer, 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.

(2) Then the checklist shall be examined by the tally person and the double-check person, repeating the process until they agree on a number or they agree to disagree on the number.

(3) 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.

(4) The number finally determined by a majority of team members shall be submitted to the presiding officer in the presence of the presiding officer observer team, together with an indication of the nature and extent of the disagreement. If one or more team members do not agree with the number submitted, the presiding officer shall note on the master list the fact that the number of people appearing as having voted on a specified checklist was subject to dispute.

(d) Sorting of ballots.

(1) Ballots from the first container shall be counted by one team and placed into piles containing 50 ballots each, except where there is a final pile which contains fewer than 50, in which case, the counting team shall affix to the top of the pile a note indicating how many ballots are contained in the pile. All of these ballots then shall be transferred to another team which shall verify that they are in piles of 50 ballots each and that any remaining pile contains the designated number of ballots.

(2) The teams, except the presiding officer observer team and possibly the team which is processing the checklists, shall proceed to their tables and each team shall get from the presiding officer one pile of ballots, one tally sheet, and one double-check sheet per 50 ballots, unless there

are more persons per team who serve as double-check persons, in which case, each such person shall be assigned a double-check sheet. If a team spoils a tally sheet or needs to retally, it must turn in the tally sheet in order to get another one.

(e) First tally.

(1) The caller shall call the name of the person voted for and any blank or spoiled ballots. The tally person and the double-check person or persons each shall make a suitable mark for that candidate and any blank or spoiled ballots.

(2) If the caller and the observer or observers do not agree on how a ballot should be counted, the entire team shall review the ballot and if all members agree, it shall be counted that way.

(3) If one member of the entire team does not agree, that ballot shall be set aside as a questioned ballot and a copy shall be made, which copy shall be clearly marked on its face identifying it as a copy. Such copies shall be placed on the top of the other ballots and shall remain together with the other ballots. Each original ballot deemed questionable shall be attached to a note which identifies it by town, polling place, and bag seal number. The originals of these questionable ballots shall be clipped to the summary sheet for that polling place and returned to the board of civil authority for a final decision by majority vote.

(4) After the board of civil authority has rendered a final decision on a given questionable ballot, it shall be returned to the town clerk who shall keep it in a sealed container for a period of two years.

(5) Write-in votes for preprinted candidates shall be counted as votes for that candidate.

(6) If the tally persons do not agree on the number of votes for a candidate, the ballots shall be retallied until they do agree. Then the team shall notify the presiding officer that it has completed the first recount.

(f) Second tally.

(1) The presiding officer shall attach to the tally and double-check sheets a note which indicates which team members performed which functions in the first recount, and shall provide the team with a new tally sheet and an appropriate number of double-check sheets to match the number of people serving as double-check persons.

(2) The members of the team then shall switch roles, with callers and observers becoming tally persons and double-check persons, as designated by the presiding officer, and the team shall complete a second recount, following the procedures established for the first recount.

(3) When the results of the second recount match those of the first, a note shall be attached to the tally and double-check sheets, indicating which persons provided what functions during the second recount.

(4) Then the team shall take its tally sheets, double-check sheets, and ballots, plus a separate pile of questionable ballots, if any, to the presiding officer.

(5) Team members, in the presence of the presiding officer observer team, shall read the totals to the presiding officer who, in the view of these observers, shall record the totals on the summary sheet for that polling place.

(6) After a team has presented its pile of ballots to the presiding officer, it shall be assigned another pile of ballots, until all of the piles from a particular polling place have been recounted two times.

(g) Completing the tally.

(1) After the totals for a polling place have been listed, the presiding officer shall add them up in the presence of the presiding officer observer team, and shall compare the number with the number of voters who voted at that polling place, according to the number obtained from the team that examined the certified checklist. If these numbers differ, the presiding officer shall note the amount of the difference on the summary sheets for that polling place.

(2) The presiding officer shall return all ballots to the container, seal it, record the seal number on the summary sheet, write "recounted" and specify the date of the recount on the tag, and move it to the other side of the room, making sure that there is never more than one bag open at any one time.

(3) This procedure shall be repeated for each container, until the results from a polling place have been recounted, and then it shall be repeated until the results from all polling places in a town have been recounted.

(4) The presiding officer shall add the totals on each summary sheet, affix the presiding officer's seal, and send the summary sheets for all polling places together with the master list and any questionable ballots to the board of civil authority.

(h) Other rules for conducting the recount.

(1) The presiding officer shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the presiding officer may cause the person to be removed from the premises.

(2) The presiding officer 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 presiding officer shall not be permitted within the area designated by the presiding officer.

(3) Candidates and their attorneys shall be given the opportunity to present evidence to the board of civil authority relating to the conduct of the recount. If the board 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. After such hearings or arguments as may be indicated under the circumstances, the board, within five working days, shall issue a judgment, which shall supersede any certificate of election previously issued and shall return to the town clerk questionable ballots which had been forwarded to the board.

(i) After the recount.

(1)(A) If the recount results in a tie, the board of civil authority shall order a recessed election to be held, within three weeks of the recount, on a date set by the board. The only candidates who shall appear on the ballot at the recessed election shall be those who tied in the previous election. The recessed election shall be considered a separate election for the purpose of voter registration under chapter 43 of this title.

(B) If the recount confirms a tie, as to any public question, no recessed election shall be held, and the question shall be certified not to have passed.

(C) Warnings for a recessed election shall be posted as required by this chapter, except that the warnings shall be posted not less than 10 days before the recessed election. The conduct of a recessed election shall be as provided in this chapter for local elections.

(2) The town clerk shall send a certified copy of the judgment to the Secretary of State. (Added 2013, No. 161 (Adj. Sess.), § 58.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 198 (Adj. Sess.), § 13.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 115; 2013, No. 161 (Adj. Sess.), § 59.)

§ 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. (Added 1977, No. 269 (Adj. Sess.), § 1.)

§ 2690. Repealed. 1979, No. 200 (Adj. Sess.), § 120.

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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 1995, No. 38, § 2; 2013, No. 161 (Adj. Sess.), § 33.)

§ 2702. Nominating petition

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. Petitions shall be filed not later than 5:00 p.m. on the first Monday after the first Tuesday of January preceding the primary election. The petition shall be in a form prescribed by the Secretary of State. A person's name shall not be listed as a candidate on the primary ballot of more than one party in the same election. 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 1995, No. 38, § 3; 2011, No. 66, § 16, eff. June 1, 2011; amended 2013, No. 1, § 82.)

§ 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 2015, No. 30, § 29, eff. May 26, 2015.)

§ 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 1995, No. 38, § 4; 2003, No. 59, § 43.)

§ 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; 1995, No. 38, § 5.)

§ 2706. Provisions applicable

The appropriate provisions of this title shall apply to presidential primaries, unless clearly inconsistent herewith. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 1995, No. 38, § 6.)

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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 1991, No. 126 (Adj. Sess.), § 1, eff. April 10, 1992; 1995, No. 38, § 7.)

§ 2716. Notification to Secretary of State

Not later than 5:00 p.m. on the 55th 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980; amended 2013, No. 161 (Adj. Sess.), § 60.)

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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980.)

§ 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980.)

Subchapter 4: Meeting Of Electors**§ 2731. Certificates of election**

When the canvassing board 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. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980.)

§ 2732. Meeting of electors

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 president and vice president of the United States, agreeably to the laws of the United States. 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. 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. 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. The electors must vote for the candidates for president and vice president who received the greatest number of votes at the general election. (Added 1979, No. 199 (Adj. Sess.), § 1, eff. May 6, 1980.)

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. (Added 2011, No. 10, § 1.)

§ 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. (Added 2011, No. 10, § 1.)

§ 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.

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(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. (Added 2011, No. 10, § 1.)

§ 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. (Added 2011, No. 10, § 1.)

§ 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.

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- (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. (Added 2011, No. 10, § 1.)

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 e-mails.

(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. As used in this chapter, "expenditure" 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; or

(D) 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, 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 49, § 9.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 30, § 29a, eff. May 26, 2015.)

§ 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 or regulation 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 or regulation 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 30, § 30, eff. May 26, 2015.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 49, § 10.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 1, 2015; amended 2015, No. 30, § 31, eff. May 26, 2015.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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)(1) As used in this section, an expenditure by a person shall not be considered a "related expenditure made on the candidate's behalf" if all of the following apply:

(A) 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;

(B) 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

(C) the cumulative value of any expenditure by the person made under this subsection does not exceed \$500.00 per event.

(2) For the purposes of this subsection:

(A) 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

(B) any reimbursement to the person by the candidate for the costs of the expenditure shall be subtracted from the cumulative value of the expenditures.

(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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 15, 2015; amended 2015, No. 30, § 32, eff. May 26, 2015.)

§ 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.] (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 30, § 33, eff. May 26, 2015.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 30, § 34, eff. May 26, 2015.)

§ 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 15; and

(B) in the second year of the two-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(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 15; and

(B) in the fourth year of the four-year general election cycle:

(i) on March 15;

(ii) on July 15 and August 15;

(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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 30, § 35, eff. May 26, 2015.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2015, No. 30, § 36, eff. May 26, 2015.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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, 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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.

Subsection (d) as enacted by 2013, No. 90 (Adj. Sess.), § 3 and amended by 2015, No. 30, § 37; see also subsection (d) as amended by 2013, No. 90 (Adj. Sess.), § 4 and contingent effective date note set out below.

(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.

Subsection (d) as amended by 2013, No. 90 (Adj. Sess.), § 4; see also subsection (d) as enacted by 2013, No. 90 (Adj. Sess.), § 3 set out above and contingent effective date note set out below.

(d) Repealed.] (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014; amended 2013, No. 90 (Adj. Sess.), § 4, cont. eff.; 2015, No. 30, § 37, eff. May 26, 2015.)

§ 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 electioneering communication transmitted through radio 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) 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. 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) 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 no 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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 which 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 a natural person, the audio statement required by this section shall include the name of that person and the name and title of the principal officer of the person. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

§ 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. (Added 2013, No. 90 (Adj. Sess.), § 3, eff. Jan. 23, 2014.)

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