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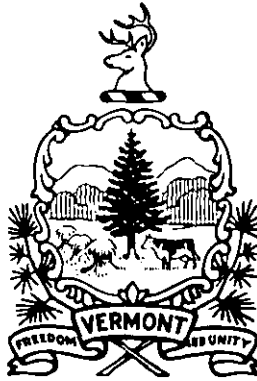
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VERMONT ELECTION LAWS

Effective July 1, 1986



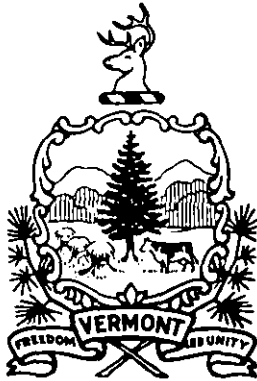
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Office of
Secretary of State

JAMES H. DOUGLAS

Secretary of State

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Secretary of State

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FOREWORD

This book contains Title 17 of the Vermont Statutes Annotated, which is Vermont's basic election law.

There are other sections of law which pertain to certain specific kinds of elections, such as some provisions relating to school election laws which are in Title 16.

Another important feature to keep in mind is that all cities in Vermont, and many of the larger towns, have municipal charters. In some cases the election provisions of these charters differ from and supersede the election laws included in this book. So if you have a question about the procedures used in your particular town, you ought to determine whether there is a charter ---and if there is, to consult it.

So that you can keep your version of the election laws current, the Secretary of State's Office will publish an annual supplement to this volume showing any future changes. The supplement will fit conveniently in the inside back cover. You can get a copy of the supplement in July of each year. Just write or give us a call.

If you have questions, problems or suggestions regarding Vermont's election laws, please write or call us at the Secretary of State's Office, Pavilion Office Building, Montpelier, VT 05602. We are physically located in the Redstone Office Building at 26 Terrace St. in Montpelier. Our local number is 828-2363, or you can call us toll-free at 1-800-642-5155.

James H. Douglas
Secretary of State

July 1986

VERMONT STATUTES ANNOTATED

TITLE SEVENTEEN

ELECTIONS

LIST OF CHAPTERS

	PAGE
CHAPTER 31. CONVENTIONS TO AMEND U.S. CONSTITUTION	1
CHAPTER 32. PUBLICATION AND RATIFICATION OF ARTICLES OF AMENDMENT TO VERMONT CONSTITUTION	7
CHAPTER 33. APPORTIONMENT OF STATE SENATORS.	12
CHAPTER 34. APPORTIONMENT OF STATE REPRESENTATIVES	16
CHAPTER 34A. PERIODIC REAPPORTIONMENT	28
CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS	35
CHAPTER 41. PURPOSES, SHORT TITLE, DEFINITIONS	41
CHAPTER 43. QUALIFICATION AND REGISTRATION OF VOTERS	49
CHAPTER 45. POLITICAL PARTIES.	66
CHAPTER 47. PARTY ORGANIZATION	74
CHAPTER 49. NOMINATIONS.	76
CHAPTER 51. CONDUCT OF ELECTIONS	94
CHAPTER 53. VACANCIES.	156
CHAPTER 55. LOCAL ELECTIONS.	158
CHAPTER 57. PRESIDENTIAL ELECTIONS	182
CHAPTER 59. CAMPAIGN FINANCE	187

TITLE SEVENTEEN

ELECTIONS

TABLE OF CONTENTS

SECTION NUMBER	PAGE
CHAPTER 31. CONVENTIONS TO AMEND U.S. CONSTITUTION	1
1811. Governor to Call	1
1812. Composition of Convention.	1
1813. Election of Delegates.	1
1814. Appointment of Candidates for Delegates.	1
1815. Acceptance of Candidacy.	2
1816. Form of Ballot	2
1817. Endorsement of Ballots	4
1818. Check List to be Used.	4
1819. Canvassing Board	4
1820. General Election Law to Apply; Expense of Election	4
1821. Construction of Chapter.	5
1822. Filling Vacancies.	5
1823. Quorum; Secretary.	5
1824. Compensation	5
1825. Effect of Congressional Prescription of the Manner of Holding Conventions	5
CHAPTER 32. PUBLICATION AND RATIFICATION OF ARTICLES OF AMENDMENT TO VERMONT CONSTITUTION	7
Subchapter 1. Interim Publication	7
1840. Interim Publication.	7
Subchapter 2. Ratification.	7
1841. Constitutional Requirements.	7
1842. Time of Voting, Warning.	7
1843. Process of Voting, Making Returns, Conduct of Meetings	8
1844. Publication in Newspapers; Ballots	8
1845. Qualifications of Voters; Checklists, Booths, Clerks	9
1845a. --Qualifications for 1974 Vote.	9
1846. Failure to Post Checklists	10
1848. Tabulation of Returns, Record of Amendments.	10
1849. Proclamation by Governor	10

SECTION
NUMBER

PAGE

1850. Transmission of Copies of Act and Forms to Clerks.	11
CHAPTER 33. APPORTIONMENT OF STATE SENATORS.	12
1881. Number to be Elected	12
1881a. Senatorial Districts; Nominations and Election	14
CHAPTER 34. APPORTIONMENT OF STATE REPRESENTATIVES	16
1891. Statement of Policy.	16
1891a. Representative Districts; Nominations and Election	16
1892. House of Representatives Membership.	18
1893. Initial Division	19
1894. Final Division into Districts.	24
1895. Subdivision of Two-Member Districts.	26
CHAPTER 34A. PERIODIC REAPPORTIONMENT.	28
1901. Purpose.	28
1902. Definition	28
1903. Periodic Reapportionment; Standards.	28
1904. Legislative Apportionment Board.	29
1905. House Apportionment -- Tentative Plan.	30
1906. ---Final Plan.	31
1907. Senate Apportionment	32
1908. Powers of Board.	32
1909. Review	33
CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS	35
Subchapter 1. Penalties Upon Officers.	35
1931. Presiding Officer Receiving Illegal Vote	35
1932. Counting and Turning Ballot Boxes Before Proper Time	35
1933. Nonperformance of Duty by Public Officer	35
Subchapter 2. Penalties Upon Voters.	36
1971. Casting More Than One Ballot	36
1972. Showing Ballot; Interference with Voter.	36
1973. Voting in More than One Place.	36

SECTION
NUMBER

PAGE

1974. Voter Omitted from List, Voting in Another Town.	36
Subchapter 3. Miscellaneous.	37
2011. Perjury Before Board Making Check List	37
2012. Procuring Change in List Wrongfully.	37
2013. False Answer as to Right to Vote	37
2014. Unqualified Person Voting.	37
2015. Fraudulent Voting.	38
2016. Aiding Unqualified Voter to Vote	38
2017. Undue Influence.	38
2018. Using Intoxicating Liquor to Influence Votes	38
2019. Destroying Lists; Hindering Voting	38
2020. Offenses Applying to Primary Elections	39
2021. Destroying Certificates of Nomination.	39
2022. Printing or Publication of Anonymous Political Literature.	39
CHAPTER 41. PURPOSES, SHORT TITLE, DEFINITIONS	41
2101. Purposes	41
2102. Short Title.	41
2103. Definitions.	41
CHAPTER 43. QUALIFICATION AND REGISTRATION OF VOTERS	49
Subchapter 1. Qualifications of Voters	49
2121. Eligibility of Voters.	49
2122. Residence; Special Cases; Checklist.	49
2123. Residents of Unorganized Towns and Gores	50
2124. Freeman's Oath; How Administered	50
2125. Intermittent Residence	51
2126. Village Checklist.	51
Subchapter 2. Registration of Voters	51
2141. Posting of Checklist	51
2142. Revision of Checklist.	52
2143. Political Representation on Board of Civil Authority	52
2144. Deadline for Applications.	53
2145. Applications	54
2146. Action of Board of Civil Authority	57
2147. Alteration of Checklist.	59
2148. Appeal From Board of Civil Authority	60
2149. Conclusiveness of List	61
2150. Removing Names from Checklist.	61
2151. Federal District Court	65

SECTION
NUMBER

PAGE

CHAPTER 45. POLITICAL PARTIES. 66

2301.	Organization of Major Political Parties.	66
2302.	State Chairman to Call Caucus.	66
2304.	Town Caucus.	67
2305.	First Meeting of Town Committee.	67
2306.	Procedure Upon Failure to Hold Caucus.	67
2307.	Certification of Officers and County Committee Delegates	68
2308.	Composition of County Committee.	68
2309.	First Meeting of County Committee.	68
2310.	Election of State Committee.	69
2311.	Certification of County Officers and State Committee Members . .	69
2312.	First Meeting of the State Committee	70
2313.	Filing of Certificate of Organization.	70
2314.	Officers Required.	71
2315.	Adoption of Rules and Bylaws	71
2316.	Secret Ballot.	72
2317.	Voters Not to Participate in More than One Party	72
2318.	Organization of Minor Political Parties.	72
2319.	Party Conventions for Platforms and Presidential Elections . . .	72
2320.	Delegates to State Platform Convention	73

CHAPTER 47. PARTY ORGANIZATION 74

2321.	Representative District Committee.	74
2322.	Senatorial District Committee.	74
2323.	Probate District Committee	74

CHAPTER 49. NOMINATIONS. 76

Subchapter 1. Primary Elections. 76

2351.	Primary Election	76
2352.	Nomination of Candidates Prior to Special Election	76
2353.	Petitions to Place Names on Ballot	76
2354.	Signing Petitions.	77
2355.	Number of Signatures Required.	78
2356.	Time for Filing Petitions.	78
2357.	Place for Filing Petition.	78
2358.	Examining Petitions, Supplementary Petitions	78
2359.	Notification to Secretary of State	79
2360.	Preservation of Petitions.	80
2361.	Consent of Candidate	80
2362.	Primary Ballots.	80
2363.	Separate Party Ballots	82
2368.	Canvassing Committee Meetings.	82
2369.	Determining Winner; Tie Votes.	83

SECTION NUMBER	PAGE
2370. Write-in Candidates.	83
2371. Nominees; Notice to Nominees	84
Subchapter 2. Nomination by Party Committee.	84
2381. Applicability of Subchapter.	84
2382. Which Committee to Nominate.	85
2383. Notice of Meetings	86
2384. Procedure upon Meeting	86
2385. Statement by Committee Officers; Consent of Candidates	86
2386. Time for Filing Statements	88
2387. Place for Filing Statements.	89
Subchapter 3. Independent Candidates	89
2401. Applicability of Subchapter.	89
2402. Requisites of Statement.	89
2403. Number of Candidates; Party Names.	90
2404. Preservation of Statements	91
Subchapter 4. Miscellaneous Provisions	91
2411. Applicability of Other Law	91
2412. Withdrawal of Candidacy.	92
2423. Nomination of Justices of the Peace.	92
CHAPTER 51. CONDUCT OF ELECTIONS	94
Subchapter 1. Election Officials	94
2451. Board of Civil Authority	94
2452. Presiding Officer.	94
2453. Duties of Presiding Officer.	94
2454. Assistant Election Officers.	95
2455. Duties of Election Officials	95
2456. Disqualifications.	95
2457. Workshops and Information for Election Officials	96
Subchapter 2. Ballots.	96
2471. General Election Ballot.	96
2472. Contents	97
2473. Provisions Relative to Presidential Election	99
2474. Choice of Party.	100
2475. Death or Withdrawal of Candidate	101
2477. Blocks of Ballots.	101
2478. Number of Paper Ballots to be Printed and Furnished.	102
2479. Manner of Distribution	102
2480. Substitute Ballots	103

SECTION
NUMBER

PAGE

Subchapter 3. Voting Machines.	103
2491. Political Subdivision May Use Voting Machines.	103
2492. Legislative Branch to Obtain Machines.	104
2493. Regulations for Use of Voting Machines	104
2494. Construction with Other Laws	105
2495. Form of Ballot	106
2496. Exemption from Requirement for Exit Checklist.	106
2497. Secretary of State to Furnish Names of Candidates.	106
2498. Demonstrator Machines; Public Meeting.	106
2499. Miscellaneous Requirements for Voting Machines	107
Subchapter 4. Polling Places	107
2501. Determining Districts.	107
2502. Location of Polling Places	109
2504. Voting Booths.	110
2505. Guardrail.	110
2506. Ballot Boxes; Signs for Depositing Ballots	110
2507. Distribution of Checklists	111
2508. Political Materials of Campaigning Within Polling Place.	111
Subchapter 5. Warnings, Notices, Sample Ballots and Other Voter Information	112
2521. Warnings and Notices	112
2522. Sample Ballots and Official Voter Information Cards.	113
2523. Posting at Polling Place on Election Day	113
Subchapter 6. Absent Voters.	114
2531. Application for Absent Voter Ballot.	114
2532. Applications; Form	114
2533. Notification of Invalid Application.	116
2534. List of Absent Voters.	117
2535. Form of Absentee Ballots and Envelopes	117
2536. Furnishing Absentee Envelopes.	118
2537. Absentee Voting in the Town Clerk's Office	118
2538. Delivery of Ballots by Justices of the Peace	118
2539. Mailing of Absentee Ballots; Permanently Disabled Voters	120
2540. Instructions to be Sent with Ballots	121
2541. Marking of Ballots	121
2542. Signing Certificate.	122
2543. Return of Ballots.	123
2545. Receipt of Marked Ballots by Town Clerk; Delivery to Election Officers.	123
2546. Deposit of Absentee Ballots in Ballot Box.	123
2547. Defective Ballots.	124
2548. Voting in Person	125
2549. Use of Federal War Ballot.	125
2550. Absent Voters Deemed "Present and Voting".	125

SECTION
NUMBER

PAGE

Subchapter 7. Process of Voting.	126
2561. Hours of Voting; Extended Hours.	126
2562. Presiding Officer to Assign Duties to Election Officials	126
2563. Admitting Voter.	126
2564. Challenges	127
2565. Delivery of Ballots.	128
2566. Marking Ballots.	128
2567. Registering Votes on Voting Machines	128
2568. Spoiled and Unused Ballots	129
2569. Assistance to Voter.	129
2570. Depositing Ballots	130
2571. Checking Voter's Name Upon Leaving	130
2572. Viewing of the Checklist	131
2573. No Counting Before Polls Close	131
Subchapter 8. Count and Return of Votes.	131
2581. Closing Polls.	131
2582. Presiding Officer to Direct Count; Transporting Ballots. . . .	132
2583. Official Checklist to be Tallied	132
2584. Opening of Ballot Boxes; Distribution of Ballots	133
2585. Ballots not to be Written Upon	133
2586. Secretary of State to Prepare Forms.	133
2587. Rules for Counting Ballots	134
2588. Filing Returns	136
2589. Identifying Ballots.	137
2590. Securing and Storing Ballots, Tally Sheets and Checklists. . .	137
2591. Return not Received.	138
2592. Canvassing Committees; Canvass of Votes in General or Primary Elections.	139
Subchapter 9. Recounts and Contest of Elections.	141
2601. Recounts	141
2602. Procedure for Recounts	142
2602a. Appointment of Recount Committee	143
2602b. Assignment of Duties	144
2602c. Preparation for Recount.	145
2602d. Examination of Checklists.	146
2602e. Sorting of Ballots	147
2602f. First Tally.	147
2602g. Second Tally	148
2602h. Completing the Tally	149
2602i. Costs.	150
2602j. Other Rules for Conducting the Recount	150
2602k. After the Recount.	151
2602l. Recounts using Voting Machines	152
2603. Contest of Elections	152
2605. House of Representatives	154
2606. Senate	154

SECTION
NUMBER

PAGE

Subchapter 10. Jurisdiction of Courts.	155
2616. Jurisdiction to Prosecute Criminal Offenses.	155
2617. Jurisdiction of Superior Courts.	155
CHAPTER 53. VACANCIES.	156
2621. Vacancy in Office of United States Senator or Representative . .	156
2622. Interim Appointment of United States Senator	156
2623. Vacancies in Offices within this State	156
CHAPTER 55. LOCAL ELECTIONS.	158
Subchapter 1. Scope.	158
2630. Applicability.	158
2631. Municipal Charter.	158
Subchapter 2. Town Meetings and Local Elections in General	158
2640. Annual Meetings.	158
2641. Warning and Notice Required; Publication of Warnings	159
2642. Warning and Notice Contents.	159
2643. Special Meetings	160
2644. Warnings	160
2645. Charters, Amendment, Procedure	161
2646. Town Officers; Qualification; Election	163
2647. Incompatible Offices	165
2648. Exceptions	165
2649. Number of Officers	165
2650. Additional Selectmen and Listers	166
2651. Road and Water Commissioners; Appointment, Removal	167
2652. Road and Water Commissioners	167
2653. Acceptance of Office	168
2654. Refusal to Serve	168
2655. Time of Meeting.	168
2656. Qualification and Registration of Voters	168
2657. Moderator.	168
2658. Duties	169
2659. Preservation of Order.	169
2660. Conduct of Election.	169
2661. Reconsideration or Rescission of Vote.	170
2662. Validation of Municipal Meetings	171
2663. Certificate of Vote.	172
2664. Budget	172
2665. Notification to Secretary of State	172
2666. Improper Influence	172
2667. Access to Annual Meeting	173

SECTION
NUMBER

PAGE

Subchapter 3. Local Elections Using the Australian Ballot System	173
2680. Australian Ballot System; General.	173
2681. Nominations, Petitions	175
2681a. Local Election Ballots	178
2682. Process of Voting; Appointments.	179
2683. Recounts	180
2684. Time and Place of Recount; Notice.	180
2685. Inspection of Ballots.	180
2686. Declaration of Result.	180
2687. Appeal to Superior Court	181
2688. Recount on Question Submitted.	181
2689. Preservation of Ballots.	182
CHAPTER 57. PRESIDENTIAL ELECTIONS	183
Subchapter 1. Presidential Preference Primary.	183
2701. Presidential Preference Primary; Time of Holding	183
2702. Nominating Petition.	183
2703. Examining Petitions, Supplementary Petitions	184
2704. Form of Ballots.	184
2705. Checklist.	184
2706. Provisions Applicable.	185
2715. Party Convention to Elect Delegates.	185
2716. Notification to Secretary of State	185
Subchapter 3. Nomination of Electors	185
2721. Nomination of Presidential Electors.	185
2722. Certification of Nominees for Electors	186
Subchapter 4. Meeting of Electors.	186
2731. Certificates of Election	186
2732. Meeting of Electors.	186
CHAPTER 59. CAMPAIGN FINANCE	188
Subchapter 1. General Provisions	188
2801. Definitions.	188
2802. Checking Account; Treasurer.	189
2803. Campaign Reports; Forms; Filing.	190
2804. Surplus Campaign Funds	191
2805. Limitation of Contributions.	191
2806. Penalties.	192

SECTION
NUMBER

PAGE

Subchapter 2. State Candidates	192
2811. Campaign Reports; Candidates for State Office.	192
Subchapter 3. Local Candidates; General Assembly	193
2821. Campaign Reports; Legislative and County Office Candidates . . .	193
2822. Campaign Reports; Local Candidates	193
2823. Non-Filing	194
Subchapter 4. Political Committees; Political Parties.	194
2831. Campaign Reports; Political Committees and Parties	194
2832. Filing with Federal Election Commission.	195

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 sixty 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 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 fourteen 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 twenty nor more than thirty days after the election of delegates.

§ 1813. ELECTION OF DELEGATES

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

§ 1814. APPOINTMENT OF CANDIDATES FOR DELEGATES

Not less than thirty 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 stead, shall appoint and forthwith announce the names of twenty-eight 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 fourteen 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 acceptance as follows:

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

Signed"

§ 1816. FORM OF BALLOT

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

DELEGATES TO CONVENTION TO VOTE UPON THE FOLLOWING PROPOSED

AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES:

(Here shall follow the text of the proposed amendment.)

Instructions

To vote for all the delegates who stand For Ratification, make an (X) in the square at the head of the column marked NAMES FOR RATIFICATION. To vote for all the delegates who stand Against Ratification, make a cross

§ 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 official title.

§ 1818. CHECK LIST 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 fourteen candidates who have received the greatest number of votes and the secretary of state shall publish the results. The secretary of state, upon the completion of the canvass, shall mail or deliver in person to each delegate so elected a notice thereof and such delegates so elected shall be members of the convention.

§ 1820. GENERAL ELECTION LAW TO APPLY; EXPENSE OF ELECTION

Expenses of such election shall be paid by the state or town as in the case of general elections. The statutory provisions as to holding general elections, furnishing ballots, instructions and forms, appointment and payment of election officers, filling of vacancies, solicitation of voters at the polls, challenging of voters, manner of conducting elections, counting and preserving the ballots and making returns thereof and all

other kindred subjects shall apply to such elections insofar as they are consistent with this chapter, it being the intent of this chapter to place such elections under the regulation and protection of the laws relating to general elections.

§ 1821. CONSTRUCTION OF CHAPTER

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

§ 1822. FILLING VACANCIES

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

§ 1823. QUORUM; SECRETARY

A majority of the delegates shall constitute a quorum to do business, when convened according to the provisions of this chapter. The secretary of state shall be ex officio secretary of the convention and with the chairman of the convention, he 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 to the principal daily newspapers published in the state, as determined by the secretary of state; and 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.

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 68 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.

§ 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.

§ 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.

§ 1844. PUBLICATION IN NEWSPAPERS; BALLOTS

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 to the principal daily newspapers published in the state, as determined by the secretary of state; and the proposal shall be so published once each week for three

successive weeks in each of the papers at the expense of the state. He shall cause ballots to be prepared for a vote by the freemen upon the proposal of amendment.

§ 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.

§ 1845a. ---QUALIFICATIONS FOR 1974 VOTE

Notwithstanding any other provision of law:

(1) A person eligible to vote at the 1974 annual town meeting or eligible to vote under section 207 of Title 17 shall be eligible to vote on the question: "To see if the freemen will vote to accept or reject the proposed article of amendment to the Constitution of Vermont." on March 5, 1974.

(2) For the purpose of voting on the constitutional questions the polls shall be open as provided in section 1048 of Title 17.

§ 1847. [Repealed.]

§ 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.

§ 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.

§ 1849. PROCLAMATION BY GOVERNOR

The governor shall thereupon forthwith issue his 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.

§ 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.

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, Brandon, Bridport, Bristol, Cornwall, Ferrisburg, Goshen, Granville, Hancock, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell, Panton, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, Whiting and Weybridge 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, Winhall and Woodford two;

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

(4) Chittenden senatorial district, composed of the towns of Bolton, Buel's Gore, Burlington, Charlotte, Essex, Hinesburg, Huntington, Jericho, Milton, Richmond, St. George, Shelburne, South Burlington, Underhill, Westford, Williston, 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, Morgan, Newport City, Newport Town, Norton, Richford, Troy, Warner's Grant, Warren's Gore, Westfield, Westmore and Victory two;

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

(7) Grand Isle senatorial district, composed of the towns of Alburg, 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, Fairlee, Orange, Randolph, Strafford, Thetford, Tunbridge, Vershire, Washington, West Fairlee and Williamstown one;

(10) Rutland senatorial district, composed of the towns of Benson, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Mendon, Middletown Springs, Mt. Holly, Mt. Tabor, Pawlet, Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town, Sherburne, 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, Londonderry, Marlboro, Newfane, Putney, Rockingham, Somerset, Stratton, Townshend, Vernon, Wardsboro, Westminster, Whitingham, Wilmington and Windham two;

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

§ 1881a. SENATORIAL DISTRICTS; NOMINATIONS AND ELECTION

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

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

(c) Petitions for nominating candidates for senator in the general assembly by primary under chapter 9 of this title or certificates of nomination of candidates for that office by convention, caucus, committee or voters under chapter 11 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 county immediately after they are determined to the senatorial district clerk, who shall issue the certificates of nomination or election required by law as to the office of senator.

(e) The canvassing of votes in a senatorial district shall be done in each county in the district as in the case of single counties, but the clerk of the less populous county in a senatorial district shall send a copy of the appropriate certificate to the clerk of the senatorial district who shall issue necessary certificates for the senatorial district.

CHAPTER 34. APPORTIONMENT OF STATE REPRESENTATIVES

§ 1891. STATEMENT OF POLICY

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

§ 1891a. REPRESENTATIVE DISTRICTS; NOMINATIONS AND ELECTION

(a) As used in this chapter and in chapter 34A of this title:

(1) "Representative district", "legislative district" or "district" means a district created by law and listed in section 1893 of this title.

(2) "Representative district", "legislative district" or "district" also means a subdivision within a multi-member district created by the legislative apportionment board in accordance with sections 1894, 1895 and 1906 of this title.

(b) The laws relating to the election of representatives to the general assembly shall apply in representative districts except as their application may be inconsistent with this section or the structure of those districts.

(c) In multi-town representative districts and in representative districts consisting of parts of two towns, the clerk of that town or part of a town in the district having the largest population shall be the representative district clerk. 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 the representative district clerk.

(d) Petitions for nominating candidates for representative to the general assembly by primary under chapter 9 of this title or certificates of nomination of candidates for that office by convention, caucus, committee or voters under chapter 11 of this title may be filed in the office of a town clerk in the representative district. On the day after the last day for filing those petitions or certificates for that office, the other town clerks shall notify the representative district clerk of the facts concerning those petitions or certificates. The representative 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 representative to the general assembly, and for obtaining and distributing the ballots to the other clerks in the district.

(e) In towns containing more than one representative district, the selectmen, under section 2501 et seq of this title, shall designate an additional polling place in each district other than that where the central polling place is located, and the town clerk and other officers shall perform their duties as though the representative districts were additional polling places except that they shall keep separate the vote for representatives in the representative districts, declare the results separately and issue appropriate certificates of election.

(f) The presiding officers of the towns in a multi-town representative district shall report the results of voting in their district immediately after they are determined to the representative district clerk, who shall issue the certificates of nomination or election required by law as to the office of representative to the general assembly.

(g) The canvassing of votes in multi-town representative districts shall be done in each town in the district as in the case of single towns, but the clerk of the other towns in a multi-town representative district shall send a copy of the appropriate certificate to the clerk of the representative district, who shall issue necessary certificates for the multi-town representative district.

§ 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 has resided in this state two years, the last of which shall be in the district for which he is elected.

§ 1893. INITIAL DIVISION

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

<u>District</u>	<u>Towns and Cities</u>	<u>Representatives</u>
Addison-1	Addison, Ferrisburg, Panton, Vergennes and Waltham.....	2
Addison-2	Lincoln, Monkton and Starksboro.....	1
Addison-3	Bristol.....	1
Addison-4	Cornwall, Middlebury, New Haven and Weybridge.....	3
Addison- Rutland-1	Benson, Bridport, Orwell and Shoreham.....	1
Addison- Rutland-2	Goshen, Hancock, Leicester, Ripton, Salisbury, Sudbury and Whiting.....	1
Addison- Washington-1	Fayston, Granville, Waitsfield and Warren.....	1
Bennington-1	Arlington, Sandgate and Sunderland.....	1
Bennington-2	Bennington, Glastenbury, Readsboro, Shaftsbury, Stamford and Woodford.....	6
Bennington-3	Pownal.....	1
Bennington- Rutland-1	Middletown Springs, Pawlet, Rupert and Wells.....	1

Bennington- Rutland-2	Danby, Dorset, Landgrove, Manchester, Mt. Tabor, Peru and Winhall.....	2
Bennington- Windham-1	Halifax, Searsburg, Somerset, Whitingham and Wilmington.....	1
Caledonia-1	Hardwick, Stannard and Walden.....	1
Caledonia-2	Danville, Peacham, Sheffield and Wheelock.....	1
Caledonia-3	Barnet, Kirby, St. Johnsbury and Waterford.....	3
Caledonia- Essex-1	Burke, East Haven, Lyndon and Sutton.....	2
Caledonia- Essex-2	Averill, Avery's Gore, Brighton, Canaan, Lewis, Newark, Norton, Warner's Grant and Warren's Gore.....	1
Caledonia- Orange-1	Groton, Newbury and Ryegate.....	1
Chittenden-1	Milton.....	2
Chittenden-2	Essex.....	4
Chittenden-3	Bolton, Jericho and Underhill.....	2
Chittenden-4	Richmond and Williston.....	2

Ch. 34	State Representatives	T.17 § 1893
Chittenden-5	Charlotte, Hinesburg, St. George and Shelburne.....	3
Chittenden-6	South Burlington.....	3
Chittenden-7	Burlington.....	11
Chittenden-8	Winooski.....	2
Chittenden-9	Colchester.....	4
Chittenden- Franklin-1	Fairfax and Westford.....	1
Chittenden- Washington-1	Buel's Gore, Duxbury, Huntington and Waterbury.....	2
Essex-1	Bloomfield, Brunswick, Concord, Ferdinand, Granby, Guildhall, Lemington, Lunenburg, Maidstone and Victory.....	1
Franklin-1	Franklin and Highgate.....	1
Franklin-2	Berkshire and Richford.....	1
Franklin-3	Bakersfield, Enosburg and Montgomery.....	1
Franklin-4	Fairfield and Sheldon.....	1
Franklin-5	St. Albans City.....	2
Franklin-6	Georgia and St. Albans Town.....	2
Franklin- Grand Isle-1	Alburg and Swanton.....	2

Franklin- Lamoille-1	Belvidere, Cambridge, Eden, Fletcher, Johnson and Waterville.....	2
Grand Isle-1	Grand Isle, Isle La Motte, North Hero and South Hero.....	1
Lamoille-1	Elmore, Hyde Park and Wolcott.....	1
Lamoille-2	Morristown and Stowe.....	2
Orange-1	Braintree, Brookfield and Randolph.....	2
Orange-2	Chelsea, Orange, Topsham, Tunbridge, Washington and Williamstown.....	2
Orange-3	Bradford, Corinth and Vershire.....	1
Orange-4	Fairlee, Thetford and West Fairlee.....	1
Orange-Windsor-1	Royalton, Sharon and Strafford	1
Orleans-1	Irasburg, Jay, Lowell, Troy and Westfield.....	1
Orleans-2	Coventry, Newport City and Newport Town.....	2
Orleans-3	Brownington, Charleston, Derby, Holland and Morgan.....	2
Orleans-4	Albany, Barton, Craftsbury, Glover, Greensboro and Westmore.....	2

Ch. 34	State Representatives	T.17 § 1893
Rutland-1	Castleton, Fair Haven, Hubbardton and West Haven.....	2
Rutland-2	Brandon and Pittsford.....	2
Rutland-3	Chittenden, Mendon, Sher- burne and Shrewsbury.....	1
Rutland-4	Mt. Holly, Tinmouth and Wallingford.....	1
Rutland-5	Rutland Town.....	1
Rutland-6	Rutland City.....	5
Rutland-7	Clarendon, Ira, Proctor and West Rutland.....	2
Rutland-8	Poultney.....	1
Rutland- Windsor-1	Bethel, Pittsfield, Rochester and Stockbridge.....	1
Washington-1	Calais, Middlesex and Worcester.....	1
Washington-2	Cabot, East Montpelier, Marsh- field, Plainfield and Woodbury.....	2
Washington-3	Barre Town.....	2
Washington-4	Barre City.....	3
Washington-5	Berlin and Montpelier.....	3
Washington-6	Moretown, Northfield and Roxbury.....	2

Ch. 34	State Representatives	T.17 § 1893
Windham-1	Athens, Dummerston, Putney and Westminster.....	2
Windham-2	Brattleboro, Guilford and Vernon.....	4
Windham-3	Brookline, Dover, Marlboro, Newfane and Townshend.....	1
Windham-4	Grafton, Rockingham and Windham.....	2
Windham- Windsor-1	Londonderry, Jamaica, Stratton, Wardsboro and Weston.....	1
Windsor-1	Hartford and Norwich.....	3
Windsor-2	Barnard, Bridgewater, Plymouth, Pomfret, Reading and Woodstock.....	2
Windsor-3	Hartland, Windsor and West Windsor.....	2
Windsor-4	Cavendish, Ludlow and Weathersfield.....	2
Windsor-5	Baltimore and Springfield.....	3
Windsor-6	Andover and Chester.....	1

§ 1894. FINAL DIVISION INTO DISTRICTS

(a) Each district in section 1893 of this title which is entitled to one representative may elect one representative at elections for representatives until the next regular reapportionment pursuant to chapter 34A of this title.

(b) Each district in section 1893 of this title which is entitled to elect two representatives may elect two representatives at elections for representatives until the next regular reapportionment, or unless such district is divided into two single-member districts as provided in section 1895 of this title.

(c) Each district in section 1893 of this title which is entitled to three or more representatives shall be further divided into single- and two-member districts, each of which shall be entitled to elect the appropriate number of representatives at elections for representatives until the next regular reapportionment, or unless two-member districts are divided into single-member districts as provided in section 1895 of this title.

(d) The division of districts entitled to three or more representatives into one- and two-member districts shall be made on or before May 15 of the year of the general election next after adoption of the reapportionment plan by the legislative apportionment board created by chapter 34A of this title. In making such division, the board shall consult with the boards of civil authority of each town and city in a district to be further divided, and shall consider so far as possible under the standards of the fourteenth amendment to the United States constitution, and section 1903 of this title, the convenience and wishes of the people within the district to be so divided.

(e) In no district divided in accordance with this section shall the percentage of deviation extend the limits of the percentage of deviation in the plan of reapportionment enacted by the general assembly.

§ 1895. SUBDIVISION OF TWO-MEMBER DISTRICTS

(a) A two-member representative district may be divided into two single-member districts if the boards of civil authority of a town or towns which constitute twenty-five percent or more of the population of the district present a plan for division, within thirty days of the date the reapportionment bill is submitted to the governor, which is approved by the legislative apportionment board. A proposed plan shall be filed with the chairman of the board of civil authority of every town in the affected district at the same time it is presented to the legislative apportionment board. The board of civil authority of any town through which a subdivision line will be drawn may file with the board a written objection to the plan within fifteen days of receiving it in which case the plan shall not be approved. The apportionment board shall approve the plan for subdivision if:

- (1) the standards established in section 1903 of this title are met;
 - (2) the plan does not exceed the overall range of the percentage of deviation in the plan for reapportionment enacted by the general assembly;
- and
- (3) no written objection has been filed with the board by a town through which a subdivision line will be drawn.

(b) If the board of civil authority of any affected town objects to the plan and the reasons for the objection are attached to the plan as a minority report, or upon petition of five percent of the legal voters of an affected town, the apportionment board shall hold a public hearing in

the representative district, after giving notice of one week to the boards of civil authority of the affected towns, and shall render its decision within thirty days after receiving the plan for modification.

(c) Upon approval the resulting single-member districts shall each be entitled to elect one representative at elections for representatives until the next regular reapportionment.

(d) In no district so divided shall the percentage of deviation extend the limits of the percentage of deviation in the plan for reapportionment enacted by the general assembly.

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.

§ 1902. DEFINITION

"Apportionment standard" 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. "Population" means the most recent census taken under the authority of Congress or a special census ordered to be taken by the legislature.

§ 1903. PERIODIC REAPPORTIONMENT; STANDARDS

(a) The house of representatives shall be reapportioned and redistricted on the basis of population at the same time the senate is reapportioned under section 1903(c).

(b) The standard for creating districts for the election of representatives to the general assembly shall be to form districts with minimum percentages of deviation from the apportionment standard, as defined in section 1902 of this title. The 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.

(c) Apportionment of senators on a county basis shall be according to population, as ascertained by the census taken under the authority of Congress in the year 1960. The legislature shall make a new apportionment of the senators after the taking of each census of the United States, or after a census taken for the purpose of such apportionment, under the authority of this state.

§ 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 freeman, a resident of the State of Vermont for five years immediately preceding the appointment, appointed by the governor from each political party which polled at least twenty-five per cent of the votes cast for governor at the last preceding general election, and one freeman, a 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 chairman 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.

(b) Members of the board shall first be selected on or before July 5, 1965, and thereafter members shall be selected before July 1 of the year of each second presidential election after 1964, 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 \$35.00 a day and their reasonable expenses while performing their duties as members.

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

§ 1905. HOUSE APPORTIONMENT -- TENTATIVE PLAN

On or before February 1st of the year following each decennial census under the authority of Congress, the board shall prepare a tentative plan for the reapportionment of the house of representatives. Whenever, in the tentative plan, it shall appear that one town or city should be divided into two or more districts, or that part of one town or city should be combined with part or all of another town or city to form a 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 February 20th, recommend to the legislative apportionment board the manner in which district lines within those towns and cities should be drawn,

always having regard for the standards of apportionment set forth in section 1903 of this title. Upon request of any board of civil authority, the legislative apportionment board shall designate one of its members, or a person designated in section 1908 of this title, to call and preside without vote over a joint meeting of two or more boards of civil authority for the purpose of making joint recommendations.

§ 1906. ---FINAL PLAN

(a) Upon receiving recommendations made under section 1905 of this title, the board shall consider the same, and shall, not later than March 15th, prepare a final plan, dividing the state into districts for the election of 150 representatives. The chairman of the board shall, on or before March 15th, transmit such plan to the clerk of the house, and the clerk shall treat such plan as a house bill. The general assembly shall then accept the bill and enact it into law or shall amend the same or substitute another plan for reapportionment provided, however, that

(1) The plan as finally approved shall be in conformity with the provisions of this chapter and

(2) Be duly enacted during the said regular legislative session.

(b) If the general assembly amends the plan of the apportionment board or substitutes another plan for reapportionment the procedure for drawing internal district lines shall be the same as provided in sections 1894, 1895 and 1905 of this title except that the boards of civil authority shall have thirty days from the date the plan is adopted to make recommendations to the apportionment board. The apportionment board shall consider the recommendations and shall determine the lines of districts as

soon as practical but no later than June 15 of the year of the general election next after the adoption of the plan. In no district so divided shall the percentage of deviation extend the limits of the percentage of deviation in the plan for reapportionment enacted by the general assembly.

(c) A copy of the final plan, including all plans for subdividing multi-member districts which have been approved by the board, shall be filed with the secretary of state and shall be available for public inspection. In addition, a copy of an approved plan for subdividing a multi-member district shall be filed with the town clerk of each town in the district so divided.

§ 1907. SENATE APPORTIONMENT

On or before February 1st of each year following the taking of a decennial census under the authority of congress, the board shall prepare a plan of reapportionment of the senate, apportioning the thirty 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 chairman of the board shall transmit such plan to the secretary of the senate and it shall be treated by the senate as a bill for the reapportionment of the seats of the senate for the ensuing five general assemblies.

§ 1908. POWERS OF BOARD

The legislative apportionment board shall have the following powers:

- (1) To call for, and receive, the assistance of any state, county or

municipal official or employee in obtaining information regarding the population in any county, town, city, village, ward, precinct, or water, fire or school district;

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

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

§ 1909. REVIEW

(a) Within thirty days of the effective date of any final plan of reapportionment promulgated hereunder by the legislative apportionment board, or of any apportionment bill passed in lieu of a final plan of the board, 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 in chancery, 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 legislative apportionment board which shall forthwith revise and correct the apportionment plan or law in light of the supreme court's decision, to conform to the requirements of law. The supreme court shall retain jurisdiction until the board has produced a plan conforming to all constitutional and statutory requirements, which plan shall thereupon become law.

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

§ 1910. [Repealed.]

§ 1911. [Repealed.]

CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS

Subchapter 1. Penalties Upon Officers

§ 1931. PRESIDING OFFICER RECEIVING ILLEGAL VOTE

A presiding officer in a town, village or school district meeting or in a 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 town, village or school district meeting, and not more than \$500.00 if in a primary or general election.

§ 1932. COUNTING AND TURNING BALLOT BOXES BEFORE PROPER TIME

A presiding officer at a general election, who allows the ballots for representative to the General Assembly, state, county or congressional officers to be counted or the ballot box containing the same to be turned before the hour set by the legislative branch for closing the polls shall be fined not more than \$100.00 nor less than \$20.00.

§ 1933. NONPERFORMANCE OF DUTY BY PUBLIC OFFICER

A public officer upon whom a duty is imposed by the provisions of this title, who wilfully neglects to perform such duty or who wilfully 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; but the provisions of this section shall not apply to a public officer upon whom a duty is imposed by the provisions of chapter 9, section 571 of chapter 11, and chapter 13 of this title, the nonperformance of which is an offense under either of such chapters.

Subchapter 2. Penalties Upon Voters

§ 1971. CASTING MORE THAN ONE BALLOT

A legal voter who knowingly gives in at an election more than one ballot at any one time of balloting for the same office shall be fined not more than \$100.00, if the offense is committed at a general election, and not more than \$10.00, if committed in town meeting.

§ 1972. SHOWING BALLOT; INTERFERENCE WITH VOTER

A voter who, except in cases of assistance as provided in this title, allows his ballot to be seen by another person with an apparent intention of letting it be known how he is about to vote or makes a false statement to the presiding officer at an election as to his inability to mark his ballot or places a distinguishing mark on his 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 \$50.00. It shall be the duty of the election officers to see that the offender is duly prosecuted.

§ 1973. VOTING IN MORE THAN ONE PLACE

A person who, on the same day, votes in more towns than one for the same officers shall be fined not more than \$100.00.

§ 1974. VOTER OMITTED FROM LIST, VOTING IN ANOTHER TOWN

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

Subchapter 3. Miscellaneous

§ 2011. PERJURY BEFORE BOARD MAKING CHECK LIST

A person who knowingly swears falsely to a fact or matter which may be the subject of inquiry by the board of civil authority in revising the check list as provided in this title shall be guilty of perjury and imprisoned in the state prison not more than fifteen years and fined not more than \$1,000.00.

§ 2012. PROCURING CHANGE IN LIST WRONGFULLY

A person who, directly or indirectly, procures or causes to be procured or aids in procuring the name of a person to be inserted on a check list of voters, knowing such person not to be a voter in the town 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 to be a legal voter in such town, shall be fined not more than \$100.00.

§ 2013. FALSE ANSWER AS TO RIGHT TO VOTE

A person who knowingly gives a false answer or information to the presiding officer at a 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 \$100.00.

§ 2014. UNQUALIFIED PERSON VOTING

A person, knowing that he is not a qualified voter, who votes at a town, village or school district meeting or a general election for an officer to be elected at such meeting or election shall be fined not more than \$100.00.

§ 2015. FRAUDULENT VOTING

A person who personates another, living or dead and gives or offers to give a vote in the name of such other person or gives or offers to give a vote under a fictitious name at a town, village or school district meeting or a general election, for an officer to be elected at such meeting or election, shall be imprisoned not more than one year or fined not more than \$100.00.

§ 2016. AIDING UNQUALIFIED VOTER TO VOTE

A person who wilfully aids or abets a person who is not a duly qualified voter in voting or attempting to vote at a general election shall be fined not more than \$100.00.

§ 2017. UNDUE INFLUENCE

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

§ 2018. USING INTOXICATING LIQUOR TO INFLUENCE VOTES

A person who, directly or indirectly, gives intoxicating liquor to a freeman with intent to influence his vote at an election specified in section 2017 of this title or as a reward for voting as previously directed, shall be fined not more than \$200.00.

§ 2019. DESTROYING LISTS; HINDERING VOTING

A person who, prior to an election, wilfully defaces or destroys any list of candidates posted in accordance with law or, during an election, wilfully defaces, tears down, removes or destroys any card posted for the

instruction of voters or, during an election, wilfully removes or destroys any of the supplies or conveniences furnished to enable a voter to prepare his ballot or wilfully hinders the voting of others, shall be fined \$50.00.

§ 2020. OFFENSES APPLYING TO PRIMARY ELECTIONS

The provisions of sections 1972-1974 and 2011-2019 of this title shall apply to primary elections held under the provisions of chapter 9 of this title and the word "officer" or "officers," when used in any of such sections to designate a person or persons to be voted for at an election, shall include a candidate or candidates for nomination by primary election.

§ 2021. DESTROYING CERTIFICATES OF NOMINATION

A person who falsely makes or wilfully 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, a 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 indorsement upon a ballot to be used at a primary or at an election or wilfully destroys or defaces such a ballot or wilfully delays the delivery of such ballots, shall be fined \$100.00.

§ 2022. PRINTING OR PUBLICATION OF ANONYMOUS POLITICAL LITERATURE

A person who writes, prints, publishes, posts or circulates or causes to be written, printed, published, posted or circulated through the mails or

otherwise any letter, circular, bill, placard, poster or other publication relating to any election or to any candidate at any election, unless it bears on its face the name and address of the author and publisher thereof, shall be fined not more than \$500.00. However, this section shall not apply to a candidate whose letter, circular, bill, placard, poster or other publication identifies himself and promotes his own candidacy.

CHAPTER 41. PURPOSES, SHORT TITLE, DEFINITIONS

§ 2101. PURPOSES

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

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

§ 2102. SHORT TITLE

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

§ 2103. DEFINITIONS

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

- (1) "Absent voter" means both a civilian absentee voter and a military service absentee voter.
- (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 voting machines approved for use in any election so 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 member 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) "Civilian absentee voter" at any Australian ballot election means a voter of the state who, by reason of illness, injury, physical disability, religious principle, or necessary absence from his town of residence during the hours the polls are open, expects to be unable to attend in person at the polling place.

(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) "Freeman'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 selectmen in the case of a town, the mayor and aldermen 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 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.

(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), school district, fire district,

water, sewer or utility district, 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 713 (2) of Title 24 and performing those duties prescribed by chapter 35 of Title 24.

(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, Brandon Training School, correctional facilities, and other similar public institutions, established or funded, or both, by public funds within the state of Vermont, not including educational institutions.

CHAPTER 43. QUALIFICATION AND REGISTRATION OF VOTERS

Subchapter 1. Qualifications of Voters

§ 2121. ELIGIBILITY OF VOTERS

Any person 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 freeman's oath; and

(4) is 18 years of age or more may register to vote in the town of his residence in any election held in a political subdivision of this state in which he resides.

§ 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. Members of the Vermont veterans' home in the town of Bennington may vote in the town of Bennington in all elections but this right shall not affect their residence for any other purpose.

(b) A person may have his or her name on the checklist only in the town of which the person is a resident. For the purpose of this chapter, "resident" shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if temporarily absent, coupled with an

act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. However, a person shall retain the ability to vote in a town of former residence for a period of 17 days after becoming a resident of a new town. A person may have only one residence at a given time.

§ 2123. RESIDENTS OF UNORGANIZED TOWNS AND GORES

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

§ 2124. FREEMAN'S OATH; HOW ADMINISTERED

(a) The freeman's oath may be administered within the state of Vermont by any person authorized by the law of this state to administer oaths, or by any member of a board of civil authority.

(b) A military service or other absentee voter may also be administered the freeman's oath, within or without the state of Vermont, by any commissioned officer of the military service or by any other person qualified to administer oaths, within or without the United States, by the laws of the place in which the oath is administered. The person administering the oath shall subscribe his name and rank or title. Neither a seal nor the place where the oath is administered shall be required.

(c) A person who administers the freeman's oath 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 was administered. The applicant shall be responsible for delivery of the completed application to the town clerk.

(d) The town clerk shall keep the completed applications for addition to the checklist. If the written notification that a person has taken the oath 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.

§ 2125. INTERMITTENT RESIDENCE

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

§ 2126. VILLAGE CHECKLIST

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

Subchapter 2. Registration of Voters

§ 2141. POSTING OF CHECKLIST

At least 30 days before any 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 town in addition to being posted at

the town clerk's office. Upon the checklist shall be stated against the name of each voter, if possible, the street and number of his residence, and otherwise the mailing address of his residence. The town clerk shall make available a copy of the list, together with lists of corrections and additions when made, to the chairman of each political party in the town, upon request, free of charge. Additions or amendments to the checklist may be attached to the checklist by means of a separate list. Copies of the list shall be made available to other persons at cost, and to officers with whom primary petitions are filed under section 2357 of this title free of charge.

§ 2142. REVISION OF CHECKLIST

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. At least one meeting shall take place after the deadline for filing applications and before the day of an election, unless no applications have been filed which could take effect before that election. 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 lodged in the town clerk's office. A quorum of the board of civil authority shall be as provided in division (5) of section 2103 of this title, and written notice shall be provided to each member as established in section 801 of Title 24.

§ 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 six 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 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; they shall have no authority with respect to functions of the board of civil authority which are not related to elections.

§ 2144. DEADLINE FOR APPLICATIONS

(a) The board shall meet at the time and place appointed and remain in session a reasonable time. It may recess or adjourn from day to day, but applications for persons' names to be placed on the checklist shall not be accepted after 12:00 noon on the third Saturday preceding the day of the election. The town clerk's office shall be kept open on the third Saturday preceding the day of the election from no later than 10:00 a.m. until 12:00 noon, for the purpose of receiving applications for addition to the checklist.

(b) If a person is not eligible to register prior to the third Saturday before the day of election, but expects to be eligible on or before election day, he may file with the town clerk a written notice of his

intention to apply for addition of his name to the checklist. The notice shall be filed prior to noon of the third Saturday preceding the day of election, and the board of civil authority shall then accept the person's application at any time before the close of the polls on election day, and act upon the application forthwith.

(c) If a person is not eligible to register prior to the third Saturday before the day of the election, and has submitted a written notice of intent to apply in accord with subsection (b) above, the clerk shall, upon application, allow the applicant to vote absentee. If the application is approved and the name added to the checklist prior to the close of the polls on election day, the absentee ballots cast by that voter shall be treated as other valid absentee ballots.

§ 2145. APPLICATIONS

(a) A person who desires to register to vote in an election shall, during regular hours, file an application in the office of the clerk of the town in which he claims to be a resident. The application shall be in four copies and under oath or affirmation, self-administered, certifying the facts which establish the applicant's eligibility to vote. Three copies shall be forwarded to the town clerk of the applicant's town of residence; the fourth copy shall be retained by the applicant. The application shall be in substantially the following form:

APPLICATION FOR ADDITION TO CHECKLIST

.....
(Last Name) (First Name) (Middle Initial)

To the Honorable Board of Civil Authority:

I hereby make application to have my name added to the checklist of the
Town or City of.....

I am a citizen of the United States and a resident of Vermont;

My principal dwelling place is at.....

(No.) (Street)

.....

(Town/City)

I was born on at

(Month/Day/Year) (Town or City) (State or Country)

I was naturalized as a United States citizen on.....

(Month/Day/Year)

at

(Town or City) (State)

I have taken the Freeman's Oath since becoming a resident of Vermont.

The last address at which I was registered to vote, if any, was

....., and I authorize my name

(No.) (Street) (Town/City) (State)

to be removed from the list of registered voters there or in any other
place.

I HEREBY SWEAR, OR AFFIRM, UNDER PENALTY OF \$5,000.00 FINE, OR
IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BOTH, THAT THE STATEMENTS MADE

BY ME IN THIS APPLICATION ARE TRUE.

.....

(Date)

.....

Signature of Applicant

.....

Mailing Address

For Town Clerk's Use

At a meeting of the Board of Civil Authority held on.....

(date)

for the purpose of revising checklists, the above named was (not) added to the checklist.

Attest:.....

(Town/City Clerk)

The usual polling place at which you may vote is located at.....

(b) The application form shall also contain a space for a person administering the freeman's oath to another to execute the written notification required by section 2124 of this title. The freeman's oath shall appear on the form.

(c) A board of civil authority or town clerk may not require a person to complete any form other than that provided in subsections (a) and (b) of this section; nor may the board of civil authority 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 shall notify the applicant by returning one copy of the completed application to the applicant and shall send one copy of the completed application to the town in which the applicant was last registered to vote, whether within or without the state of Vermont, before adding the applicant's name 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 with a sufficient number of the forms provided in subsection (a) of this section, at state expense.

(f) A person who makes a false statement in completing the form provided in subsection (a) of this section knowing the statement to be false shall be fined not more than \$5,000.00 or imprisoned for not more than one year or both.

(g) A voter who moves from one address in a town in which he 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 new name or address so that his name may be changed or transferred, if necessary, to the proper subdivision of the checklist. Failure to provide this notice, standing alone, shall not be grounds for removal from the checklist.

§ 2146. ACTION OF BOARD OF CIVIL AUTHORITY

(a) At a meeting to revise the checklist, the board 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 shall inform an applicant of its action as provided in subsection (d) of section 2145 of this title. If the board rejects an applicant, it shall also notify him forthwith, in person or by first class mail directed to the address given in the application, of its reasons. The notice shall be in substantially the following form:

REJECTION OF APPLICATION FOR ADDITION
TO CHECKLIST

The Board of Civil Authority of

.....,

(Town/City)

having met on, 19.... 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) FREEMAN'S OATH:

(d) RESIDENCE:

The Board of Civil Authority will meet on the day of
....., 19...., 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

§ 2147. ALTERATION OF CHECKLIST

Pursuant to section 2150 of this title, the board shall add to the
checklist posted in the town clerk's office 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 or district
judge on appeal, (2) adding the names of persons who are legal voters at
the election but whose names are further discovered to be omitted from the
completed checklist solely through inadvertence or error, or (3) by
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. Any such 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 name is properly added to and
retained on the checklist.

§ 2148. APPEAL FROM BOARD OF CIVIL AUTHORITY

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

(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 has been denied eligibility to vote. The judge shall forthwith schedule a hearing and notify the appellant and the town clerk, personally or by certified mail. The appellant and any other person may present evidence at the hearing, which shall be conducted informally so as to do substantial justice to all parties.

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

receives a written order from the court ordering that the applicant be permitted to vote.

§ 2149. CONCLUSIVENESS OF LIST

A person shall not vote at an election unless his 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.

§ 2150. REMOVING NAMES FROM CHECKLIST

(a) When a voter from one town becomes a resident of another town and is placed on the checklist there, the clerk shall send one copy of the form prescribed in section 2145 of this title or other official notice to the clerk of the town where the voter was formerly a resident, and that clerk shall strike the voter's name from the checklist of that town. Likewise, when a town clerk receives a copy of the death certificate of a voter, the clerk shall strike the voter's name from the checklist. A town clerk shall also strike from the checklist the name of any voter who files a written request that his name be stricken; the town clerk shall preserve such a written request until after two general elections have been held following the date of filing.

(b) The board of civil authority at any time may consider the eligibility of persons on the checklist whom they believe 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, it shall not remove any name from the checklist except in accordance with the procedures in subsection (d) of this section.

(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 (1) and (2) of subsection (d) of this section that a person is still qualified to vote, the board of civil authority shall send a written notice to the person and take appropriate action as provided in subdivisions (3) through (5) of subsection (d) 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 but not limited to, telephone directories, city directories, newspapers, death certificates, 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 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 or has not voted in any election within the last four years, the board of civil authority shall send a written notice to the voter. The notice shall be sent to the most recent known address of the voter, notifying the voter that, unless the voter demonstrates current eligibility to vote in the municipality, the voter's name shall be removed from the checklist on or after a date specified in the notice, which date shall be at least 30 days after the date the notice is mailed. The notice shall be sent with "address correction requested." Enclosed with the notice shall be a form on which the voter may reply, either setting forth

the voter's current place of residence as the municipality in question and requesting that the voter's name be retained upon the checklist, or alternatively consenting to the removal of the voter's name. If the voter fails to return the form within 30 days, a second notice including the same information and form as the first shall be sent by mail to the corrected address of the voter. Failure to return the second form within 14 days shall result in the removal of the voter's name from the checklist. If the first notice is undeliverable, a second notice need not be sent.

(4) If (A) the voter consents to removal of the voter's name from the checklist, or (B) all diligent efforts to ascertain the current residence of the voter have failed, or (C), the voter has not voted in any election within the last four years and has not demonstrated current eligibility to vote in the municipality, or (D) the form sent to the voter as provided above is not returned within 30 days, the board of civil authority shall remove the voter's name from the checklist. However, if at any subsequent time 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.

(5) The board of civil authority shall keep detailed records of its proceedings under this section. 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, and (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. 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 or district judge or upon request of the secretary of state the town clerk shall forward a certified copy of the records of checklist maintenance.

§ 2151. FEDERAL DISTRICT COURT

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

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.

§ 2302. STATE CHAIRMAN TO CALL CAUCUS

The chairman 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. At least 14 days before the date set for the caucuses, the state chairman shall mail a notice of the date and purpose of the caucuses to each town clerk and to each town chairman of the party, and shall cause the notice to be published in at least two newspapers having general circulation within the state.

§ 2303. TOWN CHAIRMAN TO GIVE NOTICE

The town chairman or, if unavailable, or if the records of the secretary of state show there is no chairman, any three voters of the town, shall arrange to hold a caucus on the day designated by the state chairman, in some public place within the town, and shall set the hour of the caucus. At least five days before the day of the caucus the chairman 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. In towns of one thousand or more population, he shall also publish the notice in a

newspaper having general circulation in the town. 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 chairman.

§ 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.

§ 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.

§ 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.

§ 2307. CERTIFICATION OF OFFICERS AND COUNTY COMMITTEE DELEGATES

Within 72 hours after the caucus, the chairman and secretary of the town committee shall mail to the secretary of state, the chairmen of the state and county committees, and the town clerk 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. A committee is not considered organized until it has filed the material required by this section. The secretary of state shall furnish forms for this purpose to the chairman of the state committee of a political party.

§ 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.

§ 2309. FIRST MEETING OF COUNTY COMMITTEE

The chairman of the state committee shall set a date, not more than 30 days after the date of the party's caucuses, for the first meeting of each

county committee. The state chairman shall notify the chairmen of the county committees of the date of the meeting and shall publish notice in at least two newspapers with general circulation within the state. The chairman of the county committee shall set the hour and place of the meeting and shall notify all delegates-elect by mail not less than 10 days prior to the meeting. 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.

§ 2310. ELECTION OF STATE COMMITTEE

The chairman 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, one male and one female. 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. 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. County committee members and delegates to the state committee shall serve for the following two years or until their successors are elected or appointed.

§ 2311. CERTIFICATION OF COUNTY OFFICERS AND STATE COMMITTEE MEMBERS

Within 72 hours of the first meeting of the county committee, its chairman and secretary shall mail to the secretary of state, the county

clerk, and the chairman 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. A committee is not considered organized until it has filed the material required by this section. The secretary of state shall prescribe and furnish forms for this purpose.

§ 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.

§ 2313. FILING OF CERTIFICATE OF ORGANIZATION

Within ten days after the first meeting of the state committee of a party, the chairman 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. However, no state committee shall be eligible to file a certificate of organization unless it has town committees organized in at least 15 towns in this state by January 1 of the year of the general election. 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. The secretary of state shall prescribe and furnish the form to be used for this purpose. 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. Within ten 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. When a certificate is rejected, the secretary of state promptly shall notify the chairman and secretary of the committee to inform them in writing of the reasons for rejection. A committee is not considered organized until the material required by this section has been filed and accepted.

§ 2314. OFFICERS REQUIRED

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

§ 2315. ADOPTION OF RULES AND BYLAWS

Every committee of a political party is authorized to adopt rules and bylaws consistent with law. Every rule or bylaw may be amended by simple majority vote of those present and voting at any meeting of the committee,

provided written notice of the proposed amendment is given to all committee members at least seven days prior to the meeting. All rules, bylaws, and amendments thereto shall be filed with the secretary of state, and the copies filed shall be the official copies.

§ 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.

§ 2317. VOTERS NOT TO PARTICIPATE IN MORE THAN ONE PARTY

No voter shall vote in the biennial town 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.

§ 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 title, except that they need not be organized in 15 towns. They shall also comply with the procedural requirements of sections 2303 through 2306 and 2313 of this title, but need not comply with other procedural requirements in sections 2301, 2302, 2308 through 2310, and 2312 of this title. Minor political parties shall also comply with sections 2314 through 2317 of this title.

§ 2319. PARTY CONVENTIONS FOR PLATFORMS 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.

§ 2320. DELEGATES TO STATE PLATFORM CONVENTION

Delegates to the state platform convention shall be the members of the national committee, the state committee and the county committees of the party, the chairmen of the town committees of the party, the nominees of the party for state officers, state senators, county officers and representatives to the general assembly and certain other members of the party, not to exceed twelve, if selected by the state committee of the party. Upon application of the chairman of the state committee of a party, the secretary of state shall deliver to him a duly certified roll of the nominees of that party for the several offices named in this section. The secretary of the state committee of the party shall make and certify a roll of the convention, made in accordance with this section, and none but certified delegates shall take part in the convention.

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, as finally established by the legislative apportionment board. A representative district committee may encompass less than an entire town or may extend across town lines, as the case may be. 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 seven days written notice to all other members; thereafter, the committee shall meet at the call of the chairman.

§ 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, as the case may be. 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 seven days written notice to all other members; thereafter, the committee shall meet at the call of the chairman.

§ 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 chairman of the county committee may call the first meeting by giving at least seven days written notice to all other members; thereafter the committee shall meet at the call of the probate district chairman.

CHAPTER 49. NOMINATIONS

Subchapter 1. Primary Elections

§ 2351. PRIMARY ELECTION

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

§ 2352. NOMINATION OF CANDIDATES PRIOR TO SPECIAL ELECTION

When the governor or any court, pursuant to law, orders a special election to be held for any of the offices covered by the preceding section, a special primary election shall be held on the Tuesday which falls not less than 40 days nor more than 46 days prior to the date set for the special election. The nomination of candidates prior to a special election, including nomination both by primary and by other means, shall be governed by the rules applicable to nomination of candidates prior to the general election, except as may be specifically provided in this chapter. The term "general election", as used in this chapter, shall be deemed to include a special election, unless the context requires a different interpretation.

§ 2353. PETITIONS TO PLACE NAMES ON BALLOT

(a) The name of any person shall be printed upon the primary ballot as a candidate for nomination by any major political party for 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 name printed on the ballot:

STATE OF VERMONT

County of _____)

ss.

City (town) of _____)

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 September, 19__ ; 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.

§ 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 signs the voter is registered and qualified to vote for the candidate whose petition he signs. Each voter shall indicate his 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 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.

§ 2355. NUMBER OF SIGNATURES REQUIRED

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

- (1) For state and congressional officers, five hundred;
- (2) For county officers or state senator, one hundred;
- (3) For representative to the general assembly, fifty.

§ 2356. TIME FOR FILING PETITIONS

Primary petitions shall be filed not later than 5:00 p.m. on the third Monday of July preceding the primary election prescribed by section 2351 of this title, and not later than 5:00 p.m. of the forty-second day prior to the day of a special primary election.

§ 2357. PLACE OF FILING PETITION

Primary petitions 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.

§ 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 shall state in writing on a particular petition why it cannot be accepted, and within seventy-two hours from receipt he shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than ten days after the date for filing petitions. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the required number were not received by the filing deadline.

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

- (1) cannot identify the name of the person who signed, or
- (2) if necessary, determines that the person is not on the checklist of the town which the person indicates as his town of residence.

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

§ 2359. NOTIFICATION TO SECRETARY OF STATE

Within three days after the last day for filing petitions, all town and county clerks who have received petitions shall notify the secretary of state of the names of all candidates, the offices for which they have filed, and whether each has submitted a sufficient number of valid signatures to comply with the requirements of section 2355 of this title.

Town and county clerks shall also notify the secretary of state of any petitions found not to conform to the requirements of this chapter and returned to a candidate under the preceding section, and shall notify the secretary of state of the status of such petition not later than two days after the last day for filing supplementary petitions.

§ 2360. PRESERVATION OF PETITIONS

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

§ 2361. CONSENT OF CANDIDATE

A 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 by the last day for filing supplementary petitions. Unless a consent is filed, the candidate's name shall not be printed on the primary ballot.

§ 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. The ballot shall be printed in two or more distinct sections, to be separated by a perforation, and shall be in substantially the following form:

[Date of Primary]
CAUTION: VOTE IN ONE PARTY ONLY
OR YOUR BALLOT WILL BE VOID

[Name of Party]

To vote for a person whose name is printed on the ballot, make or place a cross (X) in the square at the right of the name of that person.

To vote for a person whose name is not printed on the ballot, write or stick his or her name in the blank space provided for that purpose.

When there are two or more persons to be elected to one office, you may vote for any number of persons up to and including the maximum number.

United States Senator	Vote for not more than one
John Doe, Burlington	

For Representative to Congress	Vote for not more than one
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For Governor	Vote for not more than one
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For Lieutenant Governor	Vote for not more than one
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For State Treasurer	Vote for not more than one
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For Secretary of State	Vote for not more than one
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For Auditor of Accounts	Vote for not more than one
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For Attorney General	Vote for not more than one
Jane Doe, Burlington	

For State Senators	Vote for not more than one
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For Representatives to the General Assembly	Vote for not more than one
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For Assistant Judges of Superior Court	Vote for not more than one
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For Judge of Probate (District of Washington)	Vote for not more than one
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For State's Attorney	Vote for not more than one
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For Sheriff	Vote for not more than one
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For High Bailiff	Vote for not more than one
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SEPARATE HERE

(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 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 with the name of no candidate. On the same side of each section shall be printed the date of the primary and the words OFFICIAL PRIMARY ELECTION BALLOT.

§ 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 party choice to any election official.

(b) All voting machines used in primary elections shall be so equipped that the voter can cast his vote for candidates within one party only, and without disclosing the party for whose candidates he is casting his vote.

§ 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.

§ 2369. DETERMINING WINNER; TIE VOTES

Persons who receive a plurality of all the votes cast by a party in a primary shall be candidates of that party for the office designated on the ballot. If two or more candidates of the same party are tied for the same office, the choice among those tied shall be determined:

(1) Upon five days' notice, by the state committee of a party, for a state or congressional office;

(2) By run-off election for a county office, for a state senator, or for a representative to the general assembly. The run-off election shall be held on the fourth Tuesday of September and shall be conducted in the same manner as the primary election.

§ 2370. WRITE-IN CANDIDATES

A write-in candidate shall not qualify as a primary winner unless he receives at least one-half the number of votes required for his 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 may qualify as a primary winner. The write-in candidate who qualifies as a primary winner under this section must still be determined a winner under section 2369 of this title before he becomes the party's candidate in the general election.

§ 2371. NOMINEES; NOTICE TO NOMINEES

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

(b) Unless a person who is notified of being nominated withdraws the candidacy, the person's name, residence, and party affiliation shall be printed upon the general election ballot in the same manner as they appear in the notice of nomination; provided, however, that within five days of the date of mailing or personal delivery a candidate may request that an error in the candidate's name, residence, or party affiliation be corrected or that the candidate's preference as to the candidate's own name be used on the ballot. The candidate shall also have the right to make the choice as set forth in section 2474 of this title.

Subchapter 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, removal, or withdrawal of a candidate, or the failure of a major political party to nominate a candidate by primary;

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

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

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

§ 2382. WHICH COMMITTEE TO NOMINATE

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

(1) By the state committee in the case of state or congressional officers;

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

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

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

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

§ 2383. NOTICE OF MEETINGS

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

§ 2384. PROCEDURE UPON MEETING

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

§ 2385. STATEMENT BY COMMITTEE OFFICERS; CONSENT OF CANDIDATE

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

"The.....met on.....and nominated the following
(name of committee) (date)
person (or persons) to be a candidate (or candidates) of the
..... for the office (or offices) indicated:
(Name of political party)
.....
(Name of candidate) (residence) (office for which nominated)

"Notice of the meeting was properly given in compliance with all requirements of section 2383 of Title 17 and the procedures required by section 2384 of Title 17 were followed. A copy of the notice of the meeting is attached.

"We swear under oath that we understand the above provisions of law and that the statements we have made in this document are true.

Sworn to before me

Notary Public

Signature of Chairman

"

Date

Signature of Secretary

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

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

(d) Except in the case of nominations for justice of the peace, the candidate named in the statement shall file a consent to having the candidate's name printed on the ballot, similar in form to the consent required in section 2361 of this title before the last day for filing statements of nomination. If a candidate fails to file a

consent form before the last day for filing statements of nomination, the officer with whom the candidate's statements are filed shall immediately contact the candidate and the candidate shall then have 48 hours in which to file a consent form. 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 consents to have his name printed on the ballot as a candidate for that position and to serve if elected.

§ 2386. TIME FOR FILING STATEMENTS

Statements pursuant to this subchapter shall be filed not more than sixty days before the day of the general election and not later than 5:00 p.m. on the forty-seventh day before the day of the general election.

§ 2387. PLACE FOR FILING STATEMENTS

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

Subchapter 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 except justice of the peace 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.

§ 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 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) 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:

(1) For state, congressional, presidential and vice-presidential offices, one thousand;

(2) For county officers or state senators, two hundred;

(3) For representative to the general assembly, one hundred.

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 his name. Every statement of nomination shall include the certificate of the town clerk where the signers appear to be voters, certifying whether the persons whose names appear as signers of the statement are registered voters in the town. Only those names certified by the town clerk to be those of registered voters of the town shall count toward the required number of signatures.

(d) A statement of nomination and a consent shall be filed not later than the time for filing the statements prescribed in section 2386 of this title.

(e) The secretary of state shall prescribe and furnish forms for a statement of nomination.

§ 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 it is not substantially different, the candidate named on the statement shall select a different political or other name. 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".

§ 2404. PRESERVATION OF STATEMENTS

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

Subchapter 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.

§ 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 candidacy up until 5:00 p.m. on the forty-seventh day before the day of the election 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 a printing deadline which he shall publicly announce ahead of time.

§ 2413. NOMINATION OF JUSTICES OF THE PEACE

(a) The party members in each town, on or before the first Tuesday of September in each even numbered year, upon the call of the town committee, may meet in caucus and nominate candidates for justice of the peace. The committee shall give notice of the caucus as provided in subsection (d) of this section and the chairman and secretary shall file the statements required in sections 2385 through 2387 of this title.

(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 2387 of this title.

(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 (d) of this section. Upon meeting, the caucus shall first elect a chairman and a secretary. Thereafter the caucus shall nominate its candidates for justice of the peace, and cause its chairman and secretary to file the statements required in sections 2385 through 2387 of this title.

(d) When a caucus is held to nominate candidates for justice of the peace, the town committee or other persons calling the caucus shall post the notice of caucus in at least three public places in the town, not less than seven days before the date of the caucus; in towns having a population of more than 1,000, they shall also publish the notice of caucus in a newspaper having general circulation in the town, not less than three days before the date of the caucus.

§ 2420. [Repealed.]

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. A quorum of the board of civil authority shall be available at all times when the polls are open, and those members of the board of civil authority present at a polling place shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at this polling place.

§ 2452. PRESIDING OFFICER

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

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

§ 2453. DUTIES OF PRESIDING OFFICER

The presiding officer shall be responsible for preparation of polling places and voting equipment, opening and closing the polls, scheduling the working hours of all election officials, counting votes and certifying the results of the count, securing all ballots, maintaining order at the

polls, and in all things assuring that the election is conducted according to law. If it is necessary for the presiding officer to be absent from the polling place during any part of the election, he shall designate another to act in his stead until he returns. The presiding officer shall make every reasonable effort to assure that at least one election official from each major party is present at the polling place at all times.

§ 2454. ASSISTANT ELECTION OFFICERS

Prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each voting district to serve as assistant election officers in their respective polling places. As far as possible, the board shall attempt to appoint an equal number of persons from each major political party. Each assistant election officer shall be sworn prior to entering on the performance of his duties.

§ 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 shall be present to work at the polls and the duties assigned to each election official.

§ 2456. DISQUALIFICATIONS

Notwithstanding the preceding sections of this subchapter, no person shall serve as an election official in any election in which his name appears on a ballot of the Australian ballot system as a candidate for any

office unless he is the only candidate for that office, or unless the office for which he is a candidate is that of moderator, justice of the peace, constable, town clerk, 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 is a nominee. For the purpose of this section, "clerk-treasurer" means a person who is a candidate for the offices of town clerk and town treasurer at the same time.

§ 2457. WORKSHOPS AND INFORMATION FOR ELECTION OFFICIALS

(a) The secretary of state 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 a proper and legal manner.

(b) 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.

(c) 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 him of any changes in the list. The secretary of state shall invite all members of the boards of civil authority to the workshops and provide them with informational materials.

Subchapter 2. Ballots

§ 2471. GENERAL ELECTION BALLOT

(a) 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, United States Senator, United States 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. The ballot shall be prepared at state expense under the direction of the secretary of state. The color of the ballot shall be yellow, and the printing shall be black.

(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. Such ballots may be any color except yellow, and the printing shall be black; in other respects, such ballots shall conform as nearly as may be to the form of the consolidated ballot. The columns may be less than four inches wide, and the lines dividing the columns may be less than one-quarter inch wide, if the town clerk determines that this will not make the ballots more difficult for the voter to read.

§ 2472. CONTENTS

(a) The ballot shall be titled "OFFICIAL 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 person whose name is printed on the ballot, mark a cross (X) in the square

at the right of that person's name and party designation. To vote for a person whose name is not printed on the ballot, write the person's name on the blank line in the appropriate block". The name of the town or towns in which the ballot is to be used shall be listed in the upper left hand corner.

(b) 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)". 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". To the right of the party designation shall be a square at least one-quarter inch on each side in which the voter may indicate his choice by making a cross (X). No candidate's name shall 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 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 a square identical to the squares 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) The ballot shall be bordered on all sides by a black line at least one-eighth inch in width, and the list of candidates for each office or question to be voted upon shall be separated from every other office or question by similar lines. The several offices and questions to be voted upon may be arranged in two or more columns not less than four inches wide, separated by black lines at least one-quarter inch in width.

(e) Printing on the ballot shall conform to the following specifications:

- (1) The title and date of election in 24 point, bold, upper case type;
- (2) Instructions and towns in which the ballots are to be used in 12 point bold type;
- (3) The name of each office to be voted upon in 14 point bold type, underlined;
- (4) The instruction "Vote for not more than" in 12 point bold type;
- (5) Candidates' names in 10 point, bold, upper case type;
- (6) Candidates' towns of residence in 10 point bold type; and
- (7) Candidates' party affiliations in 10 point type.

§ 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 square 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.

§ 2474. CHOICE OF PARTY

(a) A person nominated by any means for the same office by more than one political party, at least 36 days before the day of the election may elect the party or parties in which he will be a candidate. He shall notify in writing the secretary of state or town clerk, as the case may be, of such choice, and only the party or parties which he so elects shall be printed next to his name on the ballot.

(b) A candidate for state or congressional office who is the nominee of two or more political parties shall file with the secretary of state, at least 36 days before the day of the election, a statement designating for which party the votes cast for him shall be counted for the purposes of determining whether his 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. If a candidate does not file the statement at least 36 days before the date of election, the secretary of state shall designate by lot the party to be printed immediately after the candidate's name.

§ 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 absent voters. Such absent voter ballots shall be acceptable and counted with the other ballots.

§ 2476. [Repealed.]

§ 2477. BLOCKS OF BALLOTS

All ballots, except sample ballots, when printed, shall be fastened together in blocks of one hundred each and in such manner that each ballot may be detached.

§ 2478. NUMBER OF PAPER BALLOTS TO BE PRINTED AND FURNISHED

(a) For primary elections, the secretary of state shall furnish each town with a number of ballots equal to at least 70 percent of the number of voters on its checklist.

(b) For general elections, the secretary of state shall furnish each town with a number of ballots approximately equal to 100 percent of the number of voters on the checklist for the primary election.

(c) In the case of a town that uses voting machines, the number of paper ballots shall be ten percent of the number of voters on the checklist for the primary election.

(d) 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.

(e) 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.

§ 2479. MANNER OF DISTRIBUTION

Not later than 35 days before the election, the secretary of state shall furnish the ballots the secretary has prepared 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 absent 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. Town clerks and presiding officers shall return receipts for ballots to the official from whom they were received.

§ 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, accompanied by his statement under oath, which shall be recorded by the town clerk, that the same have been so prepared and furnished by him and that he 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.

Subchapter 3. Voting Machines

§ 2491. POLITICAL SUBDIVISION MAY USE VOTING MACHINES

A town may vote at any annual or special meeting to employ mechanical or electronic devices ("voting machines") for the registering and counting of votes in subsequent elections. Voting machines may be used in combination with the paper ballots described in the preceding subchapter, so that each

voter may choose whether to use a paper ballot or a voting machine to cast his vote, if the town so votes.

§ 2492. LEGISLATIVE BRANCH TO OBTAIN MACHINES

(a) If a town votes to use voting machines, in whole or in part, for voting in subsequent elections, the legislative body shall make arrangements to rent or purchase voting machines of standard make, approved by the secretary of state, capable of providing a simple and convenient means of voting and ascertaining the true result. All expenses attendant upon the purchase or rental of voting machines shall be the responsibility of the town, except that the state shall reimburse a town which uses voting machines with an amount equal to what the costs of paper ballots would have been, if the election had been by paper ballot supplied by the secretary of state. Paper ballots shall be prepared at state expense, under the direction of the secretary of state, except for local elections, which shall be governed by 17 V.S.A. § 2682.

(b) The secretary of state may attach conditions to the approval of a voting machine if he deems it necessary to further the purposes of this chapter.

§ 2493. REGULATIONS FOR USE OF VOTING MACHINES

(a) The secretary of state shall make regulations for the use of voting machines. These regulations may cover any of the following:

- (1) The format of machine programs for the primary and general elections;
- (2) The content of summary sheets;

- (3) The content of all voter instruction materials provided by a town;
- (4) Security before and after the election;
- (5) Obtaining and recording machine totals;
- (6) Duties of election officials;
- (7) Availability of mechanics during polling hours;
- (8) Disposition of checklists, summary sheets and machine materials after the election;
- (9) Other matters pertaining to the proper use of voting machines under this title.

(b) The secretary of state shall adopt regulations which will ensure that the arrangement of names and offices on each type of machine conforms as nearly as practicable to the ballot design described in subchapter 2 of this chapter. For lever-type machines at general elections, the regulations shall ensure that names are arranged alphabetically by column and that, to the extent possible, columns for different contests and questions are separated by blank columns and thick, bright-colored lines.

§ 2494. CONSTRUCTION WITH OTHER LAWS

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 absent voters shall in no way be affected by this subchapter, and absentee votes shall be counted with votes registered on voting machines.

§ 2495. FORM OF BALLOT

(a) In any town which uses voting machines at its elections, it shall be unnecessary for a question submitted to the voters to be shown in full upon the voting machine or the ballot. It shall be sufficient if the article in the warning for the meeting or election at which the question is submitted is referred to by number and title. However, the complete warning shall be posted in a conspicuous place within the voting booth.

(b) Notwithstanding section 2472 of this title, ballots to be counted by means of electronic or electromechanical devices may be of such size or composition as is suitable for the type of device used.

§ 2496. EXEMPTION FROM REQUIREMENT FOR EXIT CHECKLIST

The board of civil authority may vote not to use an exit checklist.

§ 2497. SECRETARY OF STATE TO FURNISH NAMES OF CANDIDATES

The secretary of state shall furnish the names of all candidates to each town clerk so that he or she can order labels or pages. The secretary must furnish a preliminary list of all candidates at least 45 days before the primary election and at least 40 days before the general election.

§ 2498. DEMONSTRATOR MACHINES; PUBLIC MEETING

(a) A town shall make a demonstrator machine available to citizens at each polling place during all polling hours. It shall ensure that someone is available to answer questions and to help citizens using the machines. It is recommended that a demonstrator machine also be available in a public place for the ten days before the election, to remain there until it is needed for programming and inspecting.

(b) A town shall hold a public meeting at least six days before the

election for candidates and interested persons to inspect the machines. The town clerk shall post notice of the meeting in at least two public places and in the town clerk's office.

§ 2499. MISCELLANEOUS REQUIREMENTS FOR VOTING MACHINES

(a) At primary elections, the system of voting shall be designed so that a voter can only vote in one party; however, it must also permit a voter to change votes any time before leaving the booth, in the case of lever-type machines, or before the deposit of any official voting card, in the case of other voting machines.

(b) For lever-type machines, as soon as the meeting required by subsection (b) of section 2498 of this title is over and all the machines are properly programmed and in good working order, the machines shall be sealed. The seals must remain unbroken until the polls open. The machines shall be kept in a locked room until the polls open. Except for breaking the seals, officials may completely prepare the machines the day before the election.

(c) The checklist or checklists, as the case may be, the absentee ballots, tally sheets for absentee ballots, read-out sheets and other machine materials shall be sealed in the ballot bags provided by the secretary as soon as all the votes have been counted. The container and contents shall be secured and stored as provided in section 2590 of this title.

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 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 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.

§ 2502. LOCATION OF POLLING PLACES

(a) Each polling place shall be located in a public place within the town. Unless all the polling places in the town are located in the same building, each polling place shall be located in the voting district which it serves.

(b) The board of civil authority shall take such measures as are necessary to assure that elderly and handicapped voters may conveniently and secretly cast their votes. Measures which may be taken shall include, but are not limited to: 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 a handicapped or elderly person in order to permit that person to mark his 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.

§ 2503. [Repealed.]

§ 2504. VOTING BOOTHS

At each polling place, there shall be a sufficient number, as determined by the board of civil authority, of voting booths. Each booth shall be of sturdy construction and shall allow a voter to mark his ballot conveniently without having his choices observed by any other person.

§ 2505. GUARDRAIL

A guardrail shall be so constructed that only persons inside the rail can approach within six feet of the ballot boxes and voting booths. Neither the ballot boxes nor the voting booths shall be hidden from those outside the guardrail.

§ 2506. BALLOT BOXES; SIGNS FOR DEPOSITING BALLOTS

All ballot boxes shall be rigid wood or metal containers. Ballot boxes shall be furnished at the expense of the town where they are to be used. When not in use, ballot boxes shall be in the custody of the town clerk.

During voting hours there shall be signs, provided by the secretary of state, placed on or near ballot boxes telling voters to deposit their own ballots in the ballot boxes. This requirement shall not apply to the ballot boxes used during primary elections for the collection of unvoted ballots, in which instance unvoted ballots are inserted by election officials.

§ 2507. DISTRIBUTION OF CHECKLISTS

The town clerk shall furnish the presiding officer of each polling place with two certified copies of the checklist applicable to that polling place. One copy shall be used to check voters before they enter within the guardrail; the other copy shall be used to check voters as they leave.

§ 2508. POLITICAL MATERIALS OR CAMPAIGNING WITHIN POLLING PLACE

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 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.

§ 2509. [Repealed.]

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 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; 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 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. The checklist shall also be posted as required in section 2141 of this title.

(b) The secretary of state shall prepare forms for the warning and notice and shall furnish each town clerk with at least five copies of the forms for each polling place in the town at least five days before they must be posted. Information required in the warnings and notices which varies from town to town shall be left blank by the secretary of state and filled in by the town clerk.

§ 2522. SAMPLE BALLOTS AND OFFICIAL VOTER INFORMATION CARDS

(a) Not less than ten days before the election, the town clerk shall post sample ballots and official voter information cards 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 and official voter information cards 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. In the case of voting machines, the town clerk shall prepare the sample ballots by preparing a form similar in layout and format to what appears in the voting machines.

(c) [Repealed]

(d) Upon the request of any high school or other educational institution in the town, the town clerk shall deliver a sample ballot to the high school or educational institution.

§ 2523. POSTING AT POLLING PLACE ON ELECTION DAY

(a) Before the polls open on election day, the presiding officer shall post copies of the warning and notice, the sample ballots and the official voter information cards conspicuously in and about the polling place so that voters can reasonably be expected to see them before voting.

(b) The presiding officer shall ensure that signs are placed on or near the ballot boxes informing voters of procedures for depositing ballots. The secretary of state shall supply the signs.

Subchapter 6. Absent Voters

§ 2531. APPLICATION FOR ABSENT VOTER BALLOT

(a) A voter who expects to be an absent voter, or an authorized person in his behalf, may apply for absent voter ballots not later than 12:00 noon of the day preceding the election.

(b) All applications shall be filed with the town clerk of the town in which the absent voter is registered to vote. The town clerk shall file written applications and memoranda of verbal applications in his office, and shall retain the applications and memoranda for 90 days following the election, at which time they may be destroyed.

(c) Voting by absentee ballot shall be allowed only in elections using the Australian ballot system.

§ 2532. APPLICATIONS; FORM

(a) An absent voter, or an authorized family member acting in the voter's behalf, may apply for an absent voter 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. The application shall be in substantially the following form:

REQUEST FOR ABSENTEE VOTER

Name of absentee voter: _____

Current address: _____

Residence (if different): _____

Reason for requesting absentee ballot (check one):

- Illness, Injury or Physical Disability
Absence from town of residence
Military service absentee voter
Residence in a state institution, as defined in 17 V.S.A.
§ 2103(38)
Other as specified

If applicant is other than absentee voter:

Name of Applicant: _____

Address of applicant: _____

Relationship to absentee voter: _____

Date: _____ Signature: _____

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 absentee ballots in the same manner and within the same time limits that apply for other absent voters. An official federal post card application shall suffice as a simultaneous request for an application for addition to the checklist and for an 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 absentee ballot. The provisions of this section shall apply to anyone who is not eligible to register prior

to the third Saturday before the day of election, but expects to be eligible on or before election day.

(c) If the request is received by the town clerk not later than 17 days before the election, the town clerk shall mail a blank application for addition to the checklist, together with a full set of absentee ballots, to the person who has applied for absentee ballots. All such applications for addition to the checklist which 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 absentee ballots cast by that voter shall be treated as other valid absentee ballots.

(d) An application for an absent voter ballot shall be valid for only one election, unless specific request is made by an absent voter that the application be valid for both a primary election, excluding a presidential preference 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 absentee ballots in the same manner and within the same time limits that apply for other absent voters.

§ 2533. NOTIFICATION OF INVALID APPLICATION

If the town clerk finds an application for an absent voter ballot which has been submitted to him to be invalid or incomplete, he shall immediately notify the person making the application, either personally or by mail, stating the ground on which the same is found to be invalid. The

application may be corrected but shall not be valid unless it is returned corrected to the clerk within the time allowed for submitting an original application.

§ 2534. LIST OF ABSENT VOTERS

Upon receipt of the valid applications the town clerk shall make a list of the absent voters. The list shall include each absent voter's name and address and the reason given for requesting an absent ballot. A copy of the list shall be posted in the town clerk's office not later than two o'clock in the afternoon of the day preceding the election and in each polling place in the town upon the opening of the polls and shall remain posted until all votes are counted.

§ 2535. FORM OF ABSENTEE BALLOTS AND ENVELOPES

(a) Absentee ballots shall be the same as the official ballots to be used at the election.

(b) If necessary, special ballots may be prepared of such different weight of paper, or overall size and shape as shall be prescribed by the secretary of state, to conform with minimum postal, military, naval, air force or other 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 absentee ballots may, as circumstances require, be particularly imprinted, stamped or superscribed with approved identification words or symbols designating the same as "Vermont Official Absent Voter Ballot" and with such additional

words or devices as are necessary to comply with any censorship regulations or rules which may be in effect at the time of mailing.

§ 2536. FURNISHING ABSENTEE 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.

§ 2537. ABSENTEE VOTING IN THE TOWN CLERK'S OFFICE

An absent voter who is not continuously absent from his residence but who is to be absent on the day of the election may, if he chooses, apply in person to the town clerk for the 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 absentee ballots and envelopes when a valid application has been made. The applicant shall mark his ballots, seal them in the envelope, sign the certificate and return the ballots in the sealed envelope to the town clerk or his assistant, without leaving the office of the town clerk.

§ 2538. DELIVERY OF BALLOTS BY JUSTICES OF THE PEACE

(a) In the case of persons who are absent voters due to illness or physical disability, ballots shall be delivered in the following manner unless the absent voter has requested pursuant to section 2539 of this title that the absentee ballots be mailed. Not later than three days prior to the election, the board of civil authority shall designate in pairs justices of the peace in numbers sufficient to deliver absentee ballots to the applicants for 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 absentee ballots be mailed to them. One of the justices in each pair shall be from the political party casting the largest number of votes and the other from the party casting the next largest number of votes for governor in the town at the last preceding general election. If there shall not be available a sufficient number of justices from a party to make up the required number of pairs, a member of each remaining pair shall be designated by the board of civil authority, to be selected every two years from a list of persons submitted by the chairman of the town committee of such party. 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. The compensation of justices or other party representatives 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 ill or physically disabled applicants 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. On the day before the election, or on election day itself, he shall deliver to each pair of justices one part of the list, together with absent voter ballots and envelopes for each applicant. When justices receive ballots and envelopes the day before the election, they shall receive only the ballots and envelopes they are assigned to deliver on that day.

(c) Each pair of justices on the day before the election, or on the day thereof, shall call upon each of the absent voters whose name appears on the part of the list furnished to them and shall deliver absentee ballots and envelopes to each absent voter. The absent 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 absent voter is blind or physically unable to mark his ballot, they may be marked by one of the justices in full view of the other.

§ 2539. MAILING OF ABSENTEE BALLOTS; PERMANENTLY DISABLED VOTERS

(a) Unless the absent voter votes in the town clerk's office, or unless the justices are to deliver the absentee ballots to the absent voter, the town clerk shall mail a complete set of absentee ballots to each absent voter for whom a valid application has been filed. The 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. Absentee ballots to persons having addresses outside the fifty states and the District of Columbia shall be sent air mail, first class, postpaid when such service is available.

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

§ 2540. INSTRUCTIONS TO BE SENT WITH BALLOTS

(a) The town clerk shall send with all absentee ballots and envelopes printed instructions, which may be included on the envelope, in substantially the following form:

INSTRUCTIONS FOR 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 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.

§ 2541. MARKING OF BALLOTS

(a) An absent voter to whom ballots, envelopes and instructions are mailed shall mark the ballots in accordance with the instructions.

(b) When an absent voter is blind or is physically unable to go to the polls to vote in person or to mark his 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 his 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.

§ 2542. SIGNING CERTIFICATE

There shall be printed on the face of the envelope provided for use in returning absentee ballots a certificate in substantially the following form:

"Absent Voter Ballots of"
(print your name)

I, , solemnly swear that I am a resident of the town (city) of , State of Vermont; that I am a legal voter in this town (city); and that I am unable to vote in person by reason of illness, injury, physical disability, religious principle, absence as a military service absentee voter, or necessary absence from my town of residence during the hours the polls are open.

(your signature)

The absent voter must sign the certificate on the outside of the envelope in order for the ballot to be valid. When an absent voter is physically unable to sign his name, he may mark an "X" or take an oath

swearing to the statement on the certificate. The officers who deliver the ballots shall witness the mark or oath and sign their names with a statement attesting to this fact on the envelope.

§ 2543. RETURN OF BALLOTS

After marking the ballots and signing the certificate on the envelope, the absent voter to whom the same are addressed shall return the ballots to the clerk of the town in which he is a voter, in the manner prescribed, except that in the case of a voter to whom ballots are delivered by justices, his ballots shall be returned to the justices calling upon him, and they shall deliver them to the town clerk. Absentee ballots must be returned before the polls close on election day in order to be counted.

§ 2544. [Repealed.]

§ 2545. RECEIPT OF MARKED BALLOTS BY TOWN CLERK; DELIVERY TO ELECTION OFFICERS

Upon receipt of the envelope containing the marked ballots of an absent voter, the town clerk shall record the fact on the list of absent voters and safely keep the envelope until election day. During the hours that the polls are open, he shall deliver the envelope to the presiding officer in the polling place where the absent voter would have voted if he had voted in person.

§ 2546. DEPOSIT OF ABSENTEE BALLOTS IN BALLOT BOX

(a) Upon receipt of the absent voter's ballots, the election officials shall examine the checklist and ascertain that the absent voter is qualified to vote, that he has not already voted in person and that the certificate on the envelope containing the ballots is properly filled

out. When the election officials are satisfied that the absent voter is legally qualified to vote, has not already voted in person and that the certificate is properly filled out, they shall open the envelope containing the ballots, and without unfolding the ballots or permitting the same to be opened or examined, shall have the proper election official place a mark upon the entrance and exit checklists indicating the fact that the voter has voted by means of an absent voter ballot, and shall deposit the ballots in the proper ballot boxes. Such absentee ballots shall be commingled with the ballots of voters who have voted in person, and thereafter treated as those ballots are treated.

(b) In the case of towns using voting machines, the absentee ballots deposited under this section shall be deposited in ballot boxes or other secure containers. The ballot boxes or containers shall not be opened, and the absentee ballots shall not be counted, until the polls are closed.

§ 2547. DEFECTIVE BALLOTS

If upon examination by the election officials it shall appear that the absent voter is not legally qualified to vote, or has voted in person, or that the affidavit on any envelope is insufficient, or in the case of a primary vote, the absentee voter has failed to return the unvoted portions of the 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 absent voter material prepared by the secretary of state.

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

(b) A person who in good faith has received absentee ballots for his use but has not yet marked them, if he finds that he is able to vote in person, may cast the 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. The presiding officer shall return the unused absentee ballots and envelope to the town clerk, who shall make a record of their return on the list of absent voters and treat them as spoiled or unused ballots, pursuant to section 2568 of this title.

§ 2549. USE OF FEDERAL WAR BALLOT

In addition to and supplementing the provisions of this title, the provisions of any federal statute for a federal war ballot and for procedures affecting and facilitating voting by members of the military service of the United States are hereby authorized for use in this state.

§ 2550. ABSENT VOTERS DEEMED "PRESENT AND VOTING"

A voter voting by absentee ballot shall be deemed as "present and voting", for purposes of any provision in which the phrase "present and voting" is used in the Vermont statutes annotated or in the acts of the general assembly.

Subchapter 7. Process of Voting

§ 2561. HOURS OF VOTING; EXTENDED HOURS

(a) At all elections using the Australian ballot system, the polls shall open no earlier than six a.m. and no later than ten a.m. as set by the board of civil authority in each town. The polls in all polling places shall close at seven 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 arrives.

§ 2562. PRESIDING OFFICER TO ASSIGN DUTIES TO ELECTION OFFICIALS

At each polling place, the presiding officer shall assign specific duties to each election official present. Insofar as practical, he shall assign election officials to work in pairs, with each pair containing members from different political parties.

§ 2563. ADMITTING VOTER

Before a person may be admitted within the guardrail, he shall announce his name and if requested, his place of residence in a clear and audible tone of voice, or present his name in writing, or otherwise identify himself by appropriate documentation. The election officials attending the entrance through the guardrail shall then verify that the person's name appears on one of the certified copies of the checklist for the polling place. 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:

- (1) repeat the name of the person;
- (2) place a check mark next to his name; and
- (3) admit him within the guardrail for the purpose of voting.

§ 2564. CHALLENGES

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 is not, in fact, the person whose name appears on the checklist, or
- (2) that he has previously voted in the same election.

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 shall obtain a court order directing that he be permitted to vote.

§ 2565. DELIVERY OF BALLOTS

As each voter passes through the entrance of the guardrail, an election official or officials shall hand him one of each kind of ballot. He or they shall also answer any questions a voter may ask concerning the process of voting. The presiding officer shall keep the election officials in charge of furnishing ballots to voters supplied with a sufficient number of blank ballots, keeping the remainder of the blank ballots safely secured until needed.

§ 2566. MARKING BALLOTS

On receiving his ballots, the voter shall forthwith, and without leaving the polling place or going outside the guardrail, retire alone to one of the booths not occupied by any other person and prepare his ballots by marking in the appropriate square or place a cross (X) opposite the name of the candidate of his choice for each office, or by filling in the name of the candidate of his choice in the blank space provided. A voter shall not be allowed to occupy a booth more than five minutes when other voters are waiting to mark their ballots.

§ 2567. REGISTERING VOTES ON VOTING MACHINES

If a voter is to register his vote upon a voting machine, he shall proceed, immediately upon being admitted within the guardrail, to a voting machine not occupied by another voter. He shall then register his vote

according to the instructions provided to voters with the machine. Upon leaving the voting machine, he shall proceed directly to the exit of the guardrail. A voter shall not be allowed to occupy a voting machine more than five minutes when other voters are waiting to vote.

§ 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 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 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.

§ 2569. ASSISTANCE TO VOTER

(a) A voter who declares to the presiding officer that he or she cannot read or write or by reason of physical or mental disability is unable to mark the ballot or register a vote on a machine, as the case may be, shall, upon request, be directed by the presiding officer to a booth in which the voter may be assisted in the marking or registering of the

ballot by two election officials or a person of the voter's choice who is a legal voter of the town in which the polling place is located, provided that the person so chosen is not the employer or union representative of the voter desiring assistance.

(b) A person who gives assistance to a voter in the marking or registering of his ballot shall not in any way divulge any information regarding the choice of the voter or the manner in which the voter's ballot was cast.

§ 2570. DEPOSITING BALLOTS

(a) In primary elections, each voter shall separate all sections on the perforations, whether voted or unvoted, and fold each section separately. The voter shall first hand the unvoted section or sections to the appropriate election official, who shall deposit the section or sections in a receptacle marked for unvoted ballots. The voter shall then deposit the voted section of the ballot in the ballot box, unless the voter requires assistance in depositing the ballot.

(b) In all other elections, before leaving the booth, the voter shall fold his ballots separately, without displaying the marks thereon, and shall then himself, under the supervision of an election official, deposit each ballot into the proper ballot box.

(c) Except as provided in section 2569 of this title, no election official or other person shall look at the contents of any ballot or any voted or unvoted section of the ballot.

§ 2571. CHECKING VOTER'S NAME UPON LEAVING

Before a voter's ballots are deposited, he shall again announce his name

to the election officials attending the second certified copy of the checklist. A mark shall then be placed next to his name upon the checklist, ballots shall be deposited and he shall proceed immediately outside the guardrail by the exit and shall not again enter within the guardrail unless he is an election official.

§ 2572. VIEWING OF THE CHECKLIST

(a) A representative of each political party, a candidate on the ballot not represented by a political party and a representative of each committee supporting or opposing any public question on the ballot shall each have the right to view, no more than two times each, a copy of the checklist upon which the election officials are marking those persons who have voted.

(b) This viewing shall occur only at times during the election which are convenient for the election officials and is required to be permitted only in instances where the board of civil authority have received a request in writing from the representative or candidate at least 12 hours before the opening of the polls.

(c) This section shall only apply at polling places which have checklists of eligible voters numbering 500 or less.

§ 2573. NO COUNTING BEFORE POLLS CLOSE

The ballot boxes shall not be opened nor the ballots counted before the closing of the polls.

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 shall then insure that all persons who are not election officials are prevented from entering within the guardrail until all votes have been counted and ballots secured as provided in this subchapter. Persons who are not election officials may remain within the polling place but outside the guardrail, or within a designated area in any other room where ballots are being counted, provided that they are able to observe the counting process, but that they do not in any way interfere with the orderly count and return of votes.

§ 2582. PRESIDING OFFICER TO DIRECT COUNT; TRANSPORTING BALLOTS

The presiding officer shall direct the manner in which the votes are counted, subject to the provisions of this subchapter. Ballots shall be counted at the polling places where they are cast, except where the secretary of state determines that it would not be practical because of the type of voting machine employed and except for ballots cast in union school district votes on bond issues which, under section 706w of title 16, shall be commingled.

§ 2583. OFFICIAL CHECKLIST TO BE TALLIED

(a) 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. 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 title. 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) If in the case of voting machines an exit checklist is not used, as provided by section 2496 of this title, alternative material which is used to provide equivalent security shall be sealed and stored with the ballots and tally sheets.

§ 2584. OPENING OF BALLOT BOXES; DISTRIBUTION OF BALLOTS

After the closing of the polls, the presiding officer shall open the ballot boxes and distribute the ballots among the election officials in approximately equal numbers. As nearly as may be, election officials shall work in pairs while counting ballots, each pair consisting of members of different parties. Once ballots are distributed to a pair of election officials, that pair shall retain the same ballots throughout the counting process. If more than one kind of ballot has been used in the election, only one kind at a time shall be distributed.

§ 2585. BALLOTS NOT TO BE WRITTEN UPON

No person shall in any manner, nor for any reason, make any mark upon either the face or reverse side of any ballots, during the counting process. All notations, arithmetic, or other marking shall be done upon separate pieces of scratch paper.

§ 2586. 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.

§ 2587. RULES FOR COUNTING BALLOTS

(a) In counting ballots, election officials shall attempt to ascertain the intent of the voter, as expressed by his markings on the ballot. 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 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) 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 no cross is placed after such name. The election officials counting ballots and tallying results must list every person who receives a "write-in" vote and the number of votes received.

(f) When the same number of persons are nominated for the position of justice of the peace as there are positions to be filled, the presiding officer may declare the whole slate of candidates elected without making individual tallies, providing each person on the slate has more votes than the largest number of write-in votes for any one candidate.

§ 2588. FILING RETURNS

As the count of votes for each office or public question is completed, the presiding officer and at least one other election official shall collect the tally sheets, enter the totals shown on the tally sheets upon the summary sheets, add and enter the sum of such figures, and sign the summary sheets. As each summary sheet is completed, the presiding officer shall publicly announce the results. 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. Within 48 hours of the close of the polls, the town clerk shall deliver in person or mail to the secretary of state, the senatorial district clerk, the county clerk, and the representative district clerk, one certified copy each of the return.

§ 2589. IDENTIFYING BALLOTS

When each kind of ballot has been completely counted, each pair of election officials shall securely bind the ballots they have counted and one copy of each tally sheet they have prepared with string or rubber bands and shall, on a separate piece of paper, indicate the number of ballots in the package and the identity of the election officials who counted them, as: "100 ballots counted by John Doe and Mary Smith."

§ 2590. SECURING AND STORING BALLOTS, TALLY SHEETS AND CHECKLISTS

(a) 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. 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 purchasing director of the state shall purchase, and 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. This may be done by imprinting on the container, by making attachments to the container, or by any other uniform and suitable method which the secretary of state determines will insure the integrity of the contents and the labeling of the container.

(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 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.

§ 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 office of the lacking return and transmit the same to the committee.

§ 2592. CANVASSING COMMITTEES; CANVASS OF VOTES IN GENERAL OR
SPECIAL ELECTIONS

(a) For all state and national offices and statewide public questions, the secretary of state and the chairman of the state committee of each major political party (or his 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 chairman of the county committee of each major political party (or his designee) shall constitute a canvassing committee to receive and tally returns and issue certificates.

(c) For state senator, the senatorial district clerk and the chairman of the county committee of each major political party (or his designee) in the county for which the senatorial district clerk is clerk shall constitute a canvassing committee to receive and tally returns and issue certificates.

(d) For state representative, the representative district clerk and one other election official from the district shall serve as a canvassing committee to receive and, if necessary, tally returns and issue certificates.

(e) In the case of the canvassing committees in subsections (b) and (c) of this section, if there is no party organization or party chairman in the county, the state committee chairman may designate a person to serve on the appropriate canvassing committee.

(f) In the case of primary elections, the canvass of votes shall be made as provided in subchapter 1 of chapter 49 of this title.

(g) In the case of general or special elections, each canvassing committee shall meet at 10:00 a.m. one week after the day of the election and proceed to canvass the votes as provided in subsections (h) through (m) of this section. The canvassing committee may recess from time to time until it has completed its work.

(h) The canvassing committee shall declare the person receiving the largest number of votes for each office to be elected, and it shall issue a certificate of election, signed by a majority of the canvassing committee, in substantially the following form:

State of Vermont)

) s.s.

.....County)

At, on the day of, 19...., a canvassing committee appointed by law completed a canvass of the returns cast at a general election held on the day of, 19....for the office of, The committee hereby certifies that of was duly elected to the office by the voters present and voting.

.....

.....

The committee shall send or deliver the certificate to the candidate elected. In the case of representatives to the general assembly, the committee shall also send or deliver a copy of each certificate to the secretary of state.

(i) In the case of justices of the peace, the town clerk shall send or deliver a certificate signed by the town clerk and one other election official to each candidate elected. The secretary of state shall provide certificate forms for this purpose. The town clerk shall also file with the secretary of state a list of the names and addresses of justices of the peace and shall notify the secretary of state of any changes in the list as filed.

(j) The certificate shall be a sufficient credential of such person's election, unless superseded by a court order as provided by subchapter 9 of this chapter.

(k) In the case of the offices of governor, lieutenant governor, treasurer, secretary of state, and auditor of accounts, the canvassing committee shall prepare a certificate of election 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, section 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.

Subchapter 9. Recounts and Contest of Elections

§ 2601. RECOUNTS

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.

§ 2602. PROCEDURE 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, chapter 55 of this title.

(b) In the case of recounts other than specified in subsection (a), the following procedure shall apply. A petition for a recount shall be filed within 10 days after the election. The petition shall be filed with 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) The superior court shall set an early date for the recount, notifying all candidates at least five days in advance. The court shall order the town clerk or clerks having custody of the ballots to be recounted to surrender them to the sheriffs of the respective counties, who shall 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. The court shall appoint a sufficient number of impartial voters as a committee to recount the votes. Committee members shall be paid by the state at the rate of \$25.00 per day plus necessary expenses.

(c) [Repealed]

(d) [Repealed]

(e) [Repealed]

(f) [Repealed]

(g) [Repealed]

(h) [Repealed]

(i) The secretary of state shall bear the costs of recounts covered under this chapter.

§ 2602a. APPOINTMENT OF RECOUNT COMMITTEE

(a) Upon receipt of a petition, the clerk shall notify the chairpersons 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. In the case of a recount in a primary election, the 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. 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 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. If a candidate for an office which is the subject of

a recount is independent, that candidate will be sent a copy of the notice and requested to submit immediately a similar list of nominees for individuals to serve on a recount committee. If a list of nominees is not delivered to the clerk with due speed, the clerk, before the judge sets the date for the recount, 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 set an early date for the recount, making appointments to the recount committee from among those nominated under this section. In making these appointments, the court shall appoint an equal number of persons from each party and from those persons representing an independent candidate. After making the appointments, the court shall notify all candidates of the recount date at least five days in advance. The court shall order the town clerk or clerks having custody of the ballots to be recounted to surrender them to the state police, who shall transport them to the appropriate county clerks before the day set for the recount.

§ 2602b. ASSIGNMENT OF DUTIES

(a) 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 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 section 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.

§ 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.

(b) The recount teams established shall recount the contents of one container before another container is opened, 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 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 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 clerk shall empty the contents onto the clerk's table. The clerk shall ensure that teams are not given unused ballots, absentee ballots which arrived after the close of polls, or ballots spoiled by voters and turned in by voters requesting fresh ballots.

§ 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 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 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.

§ 2602e. SORTING OF BALLOTS

(a) 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 less 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.

(b) The teams, except the clerk observer team and possibly the team which is processing the checklists, shall proceed to their tables and each team shall get from the clerk 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.

§ 2602f. FIRST TALLY

(a) The caller shall call the name of the person voted for and/or blank ballots, and/or spoiled ballots. The tally person and the double-check

person or persons each shall make a suitable mark for that candidate and/or blank ballots, and/or spoiled ballots.

(b) 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. 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, 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, the ballots shall be retallied until they do agree. Then the team shall notify the clerk that it has completed the first recount.

§ 2602g. SECOND TALLY

(a) The clerk 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.

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

(c) 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.

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

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

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

§ 2602h. COMPLETING THE TALLY

(a) After the totals for a polling place have been listed, the 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 clerk shall note the amount of the difference on the summary sheets for that polling place.

(b) The 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 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.

§ 2602i. COSTS

Recount committee members and assistants designated by the 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.

§ 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 clerk may cause the person to be removed from the premises.

(b) The 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 clerk shall not be permitted within the area designated by the 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.

§ 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 state police 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.

§ 26021. RECOUNTS USING VOTING MACHINES

When voting has been by machine of the tabulator type, the recount shall proceed according to the provisions of this section. When voting has been by machine of the punch or the lever type, the recount shall proceed as directed by the court, instead of according to the recount procedures established by this section.

§ 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 superior court, Washington county. In the case of any other candidate or public question, the complaint shall be filed with the superior court in any county in which votes were cast for the office or question being challenged.

(d) The Vermont Rules of Civil Procedure shall apply to contests of elections, except that such cases shall be placed upon a special calendar, and hearings shall be scheduled on a priority basis, as public policy demands that such questions be resolved promptly.

(e) After hearing, the court shall issue findings of fact and a judgment, which shall supersede any certificate of election previously issued. If the court finds just cause, the court shall grant appropriate relief, which may include, without limitation, ordering a recount, or ordering a new election. If during the hearing the court receives credible evidence of criminal conduct, the court shall order a transcript of all or part of the testimony to be forwarded to the proper state's attorney. If a new election is ordered, the court shall set a date for it, after consulting with the secretary of state; in ordering a new election, the court shall have authority to issue appropriate orders, either to provide for special cases not covered by law, or to supersede provisions of law which may conflict with the needs of the particular situation.

(f) The court shall send a certified copy of its findings of fact and judgment to the secretary of state.

§ 2604. [Repealed.]

§ 2605. HOUSE OF REPRESENTATIVES

(a) A candidate for the office of representative to the general assembly in the general election, or any elected town officer in the representative district, or any 25 voters in the representative district may request the house of representatives to exercise its constitutional authority to judge 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 report and opinion to the secretary of state at least 10 days before the general assembly convenes.

§ 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 report and opinion to the secretary of the senate at least 10 days before the general assembly convenes.

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 district court.

§ 2617. JURISDICTION OF SUPERIOR COURTS

In all cases for which no other provision has been made, the superior court shall have general jurisdiction to hear and determine matters relating to elections and to fashion appropriate relief.

CHAPTER 53. VACANCIES

§ 2621. VACANCY IN OFFICE OF 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 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.

§ 2622. INTERIM APPOINTMENT OF UNITED STATES SENATOR

The governor may make an interim appointment to fill a vacancy in the office of United States senator, pending the filling of the vacancy by special election.

§ 2623. VACANCIES IN OFFICES WITHIN THIS STATE

In the event of a vacancy in any state, county, or legislative office, the governor may request the political party 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.

The governor may appoint a qualified person to fill the vacancy for the remaining portion of the term, whether or not the appointee is recommended by the party committee.

CHAPTER 55. LOCAL ELECTIONS

Subchapter 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.

§ 2631. MUNICIPAL CHARTER

Where the charter of a municipality provides for procedures other than those established by this chapter, the provisions of that charter shall prevail.

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 town 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 at 7:30 o'clock in the afternoon of the day before the first Tuesday of March 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 of March. A meeting so started shall be adjourned until the following day.

(c) In a town which starts its annual meeting on the day before the first Tuesday in March and which uses the Australian ballot system, public discussion of ballot issues and all other issues appearing in the warning, other than election of candidates, shall be permitted on that preceding day.

§ 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 town, and in or near the town clerk's office, not less than 30 nor more than 40 days before the meeting. If a town 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 the town report is mailed or otherwise distributed to the voters at least 10 days before the meeting. The legislative body annually shall designate the paper in which these warnings shall be published. This shall not apply to municipal informational meetings at which no voting is to take place.

§ 2642. WARNING AND NOTICE CONTENTS

(a) 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. It shall, by separate articles, specifically indicate the business to be transacted, to include the offices and the questions to be

voted upon. 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 40 days before the day of the meeting.

(b) The posted notice that accompanies the warning shall include information on voter registration, information on absentee voting where applicable and other appropriate information.

§ 2643. SPECIAL MEETINGS

(a) The legislative body may warn a special municipal meeting when they deem it necessary and shall call a special meeting on the application of five percent of the voters. A special meeting shall be called within 15 days of receipt of the application by the legislative body.

(b) Special meetings shall, when the municipality so votes and until it votes otherwise, start at 7:30 P.M. on the day before the day when the polls are to be opened for voting by ballot. If so convened, all business to be done from the floor at the special meeting may be transacted on that preceding day. At the close of the business, the meeting shall adjourn to the following day for voting by ballot.

(c) The legislative body may rescind the call of a special meeting called by them but not a special meeting called on application of five percent of the voters.

§ 2644. WARNINGS

The original warning for each municipal meeting shall be signed by a majority of the legislative body and shall be filed with the clerk and recorded before being posted. When all positions on the legislative body are vacant, warnings may be signed by the clerk.

§ 2645. CHARTERS, 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) 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 ten days before the first public hearing and copies thereof shall be made available to members of the public upon request.

(2) 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. 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.

(3) 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.

(4) 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.

§ 2646. TOWN OFFICERS; QUALIFICATION; ELECTION

At the annual meeting, a town shall choose from among its legally qualified 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 selectman 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;

(6) One auditor for the term of three years who shall be elected by ballot;

(7) A first constable, and if needed a second constable, for terms of one year unless a town votes that they shall be elected 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) A collector of current taxes, if the town so orders;

(9) A collector of delinquent taxes, if the town so orders;

(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 has so ordered;

(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 has so ordered;

(15) One or more patrolmen to patrol town highways under the direction of the selectmen, if the town so orders;

(16) One or two road commissioners who shall be elected by ballot if the town has so ordered; otherwise they shall be appointed by the selectmen as provided in section 2651 of this title;

(17) Three water commissioners who shall be elected by ballot if the town has so ordered; otherwise they shall be appointed by the selectmen as provided in section 2651 of this title.

§ 2647. INCOMPATIBLE OFFICES

An auditor shall not be town clerk, town treasurer, selectman, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of their official duties be eligible to hold office as auditor. A selectman or school director shall not be first constable, collector of taxes, town treasurer, auditor or town agent. A selectman shall not be lister. A town manager shall not hold any elective office in the town or town school district. Election officers at local elections shall be disqualified as provided in section 2456 of this title.

§ 2648. EXCEPTIONS

Section 2647 of this title shall not apply to towns having not more than twenty-five legal voters, but in these towns an auditor shall not audit his own accounts kept and rendered in some other official capacity, nor shall the husband or wife of any town official audit his or her spouse's official accounts.

§ 2649. NUMBER OF OFFICERS

Each town shall have three selectmen and three listers, unless additional selectmen or listers are elected under the provisions of

section 2650 of this title, and three auditors. At each annual meeting one selectman, one lister and one auditor shall be elected, each for a term of three years. A town so voting may elect one or two road commissioners for a term of one year. A town so voting may elect three water commissioners. The terms of the water commissioners shall be the same as those of selectmen under sections 2647 and 2650 of this title, except that of those commissioners first elected one shall have a term of one year, one a term of two years, 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 (b) of section 2650 of this title relating to additional selectmen.

§ 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.

§ 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 selectmen shall appoint forthwith three water commissioners, unless there is no existing, or prospective, municipal water system for such commissioners to supervise, and may remove from office a water commissioner appointed by them for just cause after due notice and hearing. The selectmen may appoint members of their own board to serve as water commissioners.

§ 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.

§ 2653. ACCEPTANCE OF OFFICE

A person present at the meeting electing him to municipal office shall be treated as accepting, unless he declines before the meeting is adjourned. When not present, he shall be served as soon as possible with a written notice, signed by the clerk and served by the constable.

§ 2654. REFUSAL TO SERVE

A person may refuse to accept election or appointment to any municipal office.

§ 2655. TIME OF MEETING

Annual municipal business meetings shall begin at the time set by the legislative body, unless the municipality has voted otherwise at a preceding meeting.

§ 2656. QUALIFICATION AND REGISTRATION OF VOTERS

Regardless of the type of voting used, the qualifications to vote in any municipal election shall be as provided in chapter 43 of this title and all municipalities shall revise and post checklists as provided in chapter 43 of this title prior to any municipal meeting at which there will be voting. The presiding officer shall follow reasonable and necessary procedures to ensure that persons who are not voters of the town do not vote.

§ 2657. MODERATOR

A municipal meeting shall be called to order by the moderator, or in his absence by a selectman who shall preside until a moderator pro tempore is chosen.

§ 2658. DUTIES

The moderator shall be the presiding officer of municipal meetings, shall decide questions of order and shall make public declaration of votes taken, except in elections using the Australian ballot system. When a vote declared by him is immediately questioned by one voter, he shall divide the meeting, and if requested by seven voters, shall cause the vote to be taken by paper ballot, unless the town has provided some other procedure in such cases. Robert's Rules or some other rules of order shall govern all municipal meetings, except in elections using the Australian ballot system.

§ 2659. PRESERVATION OF ORDER

The moderator shall preserve order in the conduct of business and in debate. If a person, after notice, is persistently disorderly and refuses to withdraw from the meeting, the moderator may cause him to be removed, calling upon the constable or other person for that purpose. A person who so refuses to withdraw when ordered so to do shall be fined not more than \$200.00.

§ 2660. CONDUCT OF ELECTION

(a) When voting is by 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 shall be declared elected. --

(c) If no person has obtained a majority by the end of the third vote, the moderator shall announce that the person receiving the least number of votes in the last vote and in each succeeding vote shall no longer be a candidate, and the voting shall continue until a candidate receives a majority.

(d) The article entitled "other business" shall not be used for taking binding municipal action, and the moderator shall so rule.

§ 2661. RECONSIDERATION OR RESCISSION OF VOTE

(a) A warned article voted on at an annual or special meeting of a municipality shall not be submitted to the voters for reconsideration or rescission at the same meeting. It 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.

(b) Where a petition signed by not less than five percent of the qualified voters of a municipality 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 thirty days following the date of that meeting, the legislative body shall provide for a vote by the municipality in accordance with the petition within sixty days of the submission at an annual or special meeting duly warned for that purpose.

(c) A question voted on shall not be presented for reconsideration or rescission at more than one subsequent meeting except with the approval of the legislative body.

§ 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 re-adopted, ratified and confirmed." Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning, may be cured by a resolution of the legislative body of the municipality by a vote of two-thirds of all its members at a regular meeting or a special meeting called for that purpose, stating that the defect was the result of oversight, inadvertence or mistake. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with, condition, however, that the original action thereby corrected by the legislative body was in compliance with the legal exercise of its corporate powers.

§ 2663. CERTIFICATE OF VOTE

Whenever an act of the general assembly by its provisions takes effect only when accepted by vote of a municipality, the clerk of the municipality shall certify within ten days to the secretary of state the result of such vote.

§ 2664. BUDGET

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 selectmen 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.

§ 2665. NOTIFICATION TO SECRETARY OF STATE

The town clerk shall file with the secretary of state a list of the names and addresses of the selectmen elected and shall notify the secretary of state of any changes in the list as filed.

§ 2666. IMPROPER INFLUENCE

Neither the warning, the notice, the official voter information cards, nor the ballot itself shall include any opinion or comment by any town body or officer or other person on any matter to be voted on.

§ 2667. ACCESS TO ANNUAL MEETING

The legislative body of the municipality shall take reasonable measures to assure that elderly or handicapped voters 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, but are not limited to, 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) shall apply. For the purposes of this section, the legislative body shall have full jurisdiction on the day of the municipal meeting over the premises at which the town meeting is to be held.

Subchapter 3. Local Elections Using the
Australian Ballot System

§ 2680. AUSTRALIAN BALLOT SYSTEM; GENERAL

(a) 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. 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 by Australian ballot?"

If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget. The legislative body shall establish a date for the vote on the revised budget, and shall take appropriate steps to warn the vote. The date of the vote shall be at least seven days following the public notice. 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. 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. 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. 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?"

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) 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) 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) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question, including the budget, 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), in which case the moderator shall preside.

§ 2681. NOMINATIONS, PETITIONS

(a) Nominations of the municipal officers shall be by petition. The petition shall be filed with the municipal clerk, together with the endorsement, if any, of any party or parties in accordance with the provisions of this title, no later than 5:00 p.m. on the sixth Monday preceding the day of the election, which shall be the filing deadline. The candidate shall also file a written consent to the printing of the

candidate's name on the ballot, no later than 5:00 p.m. on the Wednesday after the filing deadline. A petition shall contain the name of only one 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 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 thirty 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 petitions, shall indicate clearly on them which office he 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 on the.....day
of....., 19..... 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 shall state in writing on the
petition why it cannot be accepted, and within 24 hours from receipt he
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.

(f) [Repealed.]

§ 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 except yellow, 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) The columns may be less than four inches wide, and the lines dividing the columns may be less than one-quarter inch wide, if the town clerk determines that this will not make the ballots more difficult for the voter to read.

(c) On the local election ballot, 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.

(d) 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.

(e) 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.

§ 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; a certificate of election need not be issued. However, in order to be elected a write-in candidate must receive 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less.

(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) If there is a tie vote for any office, the legislative body, or in their 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.

§ 2683. RECOUNTS

(a) A candidate for local office may request a recount by filing a request with the municipal clerk within ten 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.

§ 2684. TIME AND PLACE OF RECOUNT; NOTICE

The clerk shall fix the time and place for a recount for not less than two nor more than five days from the time the petition is received, and shall promptly notify the opposing candidates and the board of civil authority.

§ 2685. INSPECTION OF BALLOTS

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

§ 2686. DECLARATION OF RESULT

If the recount shows that a person other than the one declared elected

upon the original canvass of votes has the number of votes required by law for election to office, that person shall be declared elected and shall be entitled to the office.

§ 2687. APPEAL TO SUPERIOR COURT

Within five days after the declaration of the clerk, an aggrieved candidate may appeal to the superior court by giving a written notice to that effect to the other candidates who appeared before the board of civil authority. The original of the notice shall be filed with the county clerk. No entry fee shall be charged in these matters. The superior court shall immediately issue an order directing the town clerk to transmit to the county clerk all ballots, papers and records affecting the appeal, and fixing a time for hearing in open court or before a referee not later than five days from the making of the order. The order shall be served upon the town clerk and all other candidates who have appeared before the board. A reference may be ordered upon any or all questions. At the time and place so fixed, the matter shall be summarily heard and determined and the costs taxed as in other civil actions.

§ 2688. RECOUNT ON QUESTION SUBMITTED

A voter may demand a recount of ballots on any question submitted to the vote of a town 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. The request shall be filed with the municipal clerk within ten 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. The petitioner and his designated representative and a

voter representing the other side of the question voted upon and his designated representative may inspect the vote and observe the recount under the guidance of the board of civil authority.

§ 2689. PRESERVATION OF BALLOTS

In an election in which the Australian ballot system is used, the ballots shall be preserved as provided in this title in the case of general elections.

§ 2690. [Repealed.]

CHAPTER 57. PRESIDENTIAL ELECTIONS

Subchapter 1. Presidential Preference Primary

§ 2701. PRESIDENTIAL PREFERENCE PRIMARY; TIME OF HOLDING

In presidential election years, a presidential preference 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 containing separate columns for balloting for candidates 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. All such parties and candidates shall be listed on one ballot.

§ 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 one thousand 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 his name on the ballot. Petitions shall be filed not later than 5:00 p.m. on the third Monday 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 \$500.00 to be paid to the secretary of state and deposited by him into the general fund. However, if the petition of a candidate is accompanied by the affidavit of the candidate that he and his campaign committee are

without sufficient funds to pay the filing fee, the secretary of state shall waive payment of the filing fee by that candidate.

§ 2703. EXAMINING PETITIONS, SUPPLEMENTARY PETITIONS

The secretary of state shall examine the petitions and ascertain whether they conform to the provisions of this chapter, and sections 2353, 2354 and 2358 of this title. If found not to conform he shall state in writing why a particular petition cannot be accepted, and within seventy-two hours from receipt he shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than ten days after the date for filing petitions. However, supplementary petitions shall not be accepted if petitions with the signatures of at least one thousand persons were not filed by 5:00 p.m. on the third Monday of January preceding the primary election.

§ 2704. FORM OF BALLOTS

There shall be one column on the ballot for each political party for president. The names of all candidates shall be listed in alphabetical order. Each voter shall have an opportunity to vote his preference 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 his choice.

§ 2705. CHECKLIST

The checklist for the preference 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 preference primary but not on town meeting items. Towns that do not hold an annual meeting on the first Tuesday or the Monday evening before the first Tuesday in March shall update their checklist before the election as required by chapter 43 of this title.

§ 2706. PROVISIONS APPLICABLE

The appropriate provisions of this title shall apply to presidential preference primaries, unless clearly inconsistent herewith.

§ 2715. PARTY CONVENTION TO ELECT DELEGATES

The state committee of each major political party holding a national convention shall call a party convention, under regulations proposed in advance and adopted by the committee, to be held during the third week of May in each presidential election year. At the convention, delegates and alternates to the national conventions of such party, to the number apportioned to this state, shall be elected.

§ 2716. NOTIFICATION TO SECRETARY OF STATE

Not later than 5:00 p.m. on the forty-seventh day before the day of the general election, the chairman of the state committee of each major political party shall certify in writing to the secretary of state the names of the presidential and vice-presidential nominees selected at the party's national convention.

Subchapter 3. Nomination of Electors

§ 2721. NOMINATION OF PRESIDENTIAL ELECTORS

In presidential election years, presidential electors for major political parties shall be nominated at the party platform convention held

pursuant to this title. Electors for all other presidential candidates shall be nominated pursuant to subchapter 3 of chapter 49 of this title.

§ 2722. CERTIFICATION OF NOMINEES FOR ELECTORS

After adjournment of the platform convention of a major political party, the chairman and secretary of the convention shall promptly execute a sworn statement certifying the names, towns of residence, and correct mailing addresses of the persons nominated by the convention to serve as electors, and shall promptly file the statement with the secretary of state, along with the written consent of each person to be a nominee for elector.

Subchapter 4. Meeting of Electors

§ 2731. CERTIFICATES OF ELECTION

When the canvassing 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.

§ 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.

CHAPTER 59. CAMPAIGN FINANCE

Subchapter 1. General Provisions

§ 2801. 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 totalling \$500.00 or more; or

(B) filing the requisite petition for nomination under this title or being nominated by primary or caucus; or

(C) announcing that he seeks an elected position as a state, county or local officer or a position as representative or senator in the general assembly.

(2) "Contribution" means a payment, distribution, advance, deposit, loan or gift of money or anything of value, paid or promised to be paid to a candidate or political committee for the purpose of influencing an election or supporting or opposing one or more candidates in any election, but shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee or political party. For purposes of this chapter, "contribution" shall not include a personal loan to a candidate or political committee from a lending institution.

(3) "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 or supporting or opposing one or more candidates, by a candidate, political committee or political party or any person, committee or group authorized by a candidate or political committee or political party to make an expenditure.

(4) "Political committee" means any formal or informal committee of two or more individuals, not including a political party, which receives contributions or makes expenditures of more than \$500.00 in any one calendar year for the purpose of supporting or opposing one or more candidates or affecting the outcome of an election.

(5) "Political party" means a political party organized under chapter 45 of this title or any committee established, financed, maintained or controlled by the party, including any subsidiary, branch or local unit thereof.

(6) "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.

§ 2802. CHECKING ACCOUNT; TREASURER

Candidates who have made expenditures or received contributions of \$500.00 or more and political committees shall be subject to the following requirements:

(1) All expenditures shall be paid by check from a single checking account in a single bank publicly designated by the candidate or political committee.

(2) Each candidate and each political committee shall name a treasurer, who may be the candidate or spouse, who is responsible for maintaining the checking account.

§ 2803. CAMPAIGN REPORTS; 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 and mailing address of each contributor who contributes an amount in excess of \$50.00 and the amount contributed;
- (2) the total amount of all contributions of \$50.00 or less and the total number of all such contributions;
- (3) each expenditure listed by amount, date, to whom paid and for what purpose;
- (4) the amount contributed or loaned by the candidate to his own campaign; and
- (5) each debt or other obligation, listed by amount, date incurred, to whom owed and for what purpose.

(b) The form shall require the reporting of all contributions and expenditures received or spent during the reporting period and not previously reported and shall require full disclosure of the manner in which any indebtedness is discharged or forgiven. Contributions and expenditures for the reporting period also shall be totalled in an appropriate place on the form. 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. Contributions and expenditures received

or spent during the 48 hour period prior to the filing deadline shall be reported on the next report.

(c) The form described in this section shall contain language of certification of the truth of the statements and places for the signature of the candidate and his treasurer.

(d) All reports filed under this section shall be retained in an indexed file by the official with whom the report is filed and shall be subject to the examination of any person.

§ 2804. SURPLUS CAMPAIGN FUNDS

(a) No member of a political committee which has surplus funds after all campaign debts have been paid shall convert the surplus to personal use.

(b) No candidate who has surplus funds after all campaign debts have been paid shall convert the surplus to personal use, other than to reduce personal campaign debts.

(c) The "final report" of a candidate shall indicate the amount of the surplus and how it has been or is to be liquidated.

§ 2805. LIMITATIONS OF CONTRIBUTIONS

(a) No candidate or political committee shall accept contributions totalling more than \$1,000.00 from a single source for any election.

(b) No candidate or political committee shall accept contributions totalling more than \$5,000.00 from a political committee for any election.

(c) All contributions in excess of \$50.00 shall be made by check.

(d) This section shall not be interpreted to limit the amount a candidate or his immediate family may contribute to his own campaign.

§ 2806. PENALTIES

(a) No certificate of nomination or election shall be granted to a candidate until the candidate or his treasurer has timely filed reports as required in this chapter.

(b) A person who knowingly and intentionally violates a provision of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months or both.

(c) In addition to the other penalties herein provided, 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 hereof.

Subchapter 2. State Candidates

§ 2811. CAMPAIGN REPORTS; CANDIDATES FOR STATE OFFICE

(a) Each candidate for state office shall file with the secretary of state campaign finance reports as follows:

- (1) forty days before both the primary and general elections;
- (2) ten days before both the primary and general elections;
- (3) ten days following the general election;

(4) further campaign reports shall be filed on the fifteenth day of July and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus have been eliminated.

(b) At any time a candidate for state office may file with the secretary of state a "final report" which lists a complete accounting of all contributions and expenditures, and disposition of surplus, and which shall constitute the termination of his campaign activities.

Subchapter 3. Local Candidates; General Assembly

§ 2821. CAMPAIGN REPORTS; LEGISLATIVE AND COUNTY OFFICE CANDIDATES

(a) Each candidate for representative or senator in the general assembly and each candidate for county office who has made expenditures or accepted contributions of \$500.00 or more shall file with the officer with whom his nomination papers are filed campaign finance reports as follows:

- (1) ten days before the primary election;
- (2) ten days before the general election;

(3) further campaign reports shall be filed on the fifteenth day of July and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus have been eliminated.

(b) Within thirty days after the general election, each candidate for representative or senator and each candidate for county office who has made expenditures or accepted contributions of \$500.00 or more shall file a "final report" which lists a complete accounting of all contributions and expenditures, and disposition of surplus, and which shall constitute the termination of his campaign activities.

§ 2822. CAMPAIGN REPORTS; LOCAL CANDIDATES

Each candidate for local office who has made expenditures or accepted contributions of \$500.00 or more shall file with the officer with whom his nomination papers are filed campaign finance reports ten days before and ten days after the local election.

§ 2823. NON-FILING

The failure of a legislative, county or local candidate to file a campaign finance report shall be deemed an affirmative statement that the candidate has not accepted contributions or made expenditures of \$500.00 or more.

Subchapter 4. Political Committees; Political Parties

§ 2831. CAMPAIGN REPORTS; POLITICAL COMMITTEES AND PARTIES

(a) Each political committee and each political party which has accepted contributions or made expenditures of \$500.00 or more shall register with the secretary of state stating its full name and address, the name of its treasurer, and the name of the bank in which it maintains its campaign checking account within ten days of reaching the \$500.00 threshold, and shall file with the secretary of state campaign finance reports as follows:

- (1) forty days before both the primary and general elections;
- (2) ten days before both the primary and general elections;
- (3) ten days following the general elections.

(b) Further campaign finance reports shall be filed on the fifteenth day of July and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus have been eliminated.

(c) At any time a political committee or political party may file with the secretary of state a "final report" which lists a complete accounting of all contributions and expenditures and which shall constitute the termination of its campaign activities.

(d) A political committee or political party which has accepted contributions or made expenditures of \$500.00, or more, for the purpose of influencing a local election or supporting or opposing one or more candidates in a local election shall, in addition to other filings required by this chapter, file campaign finance reports ten days before and ten days after the local election with the clerk of the municipality in which the election is held and with the secretary of state.

§ 2832. FILING WITH FEDERAL ELECTION COMMISSION

A political committee or political party may satisfy the filing requirements of this subchapter by filing with the secretary of state a copy of that portion of the campaign finance reports applicable to candidates seeking election in this state which the committee or party has filed with the Federal Election Commission and by designating an in-state agent in the report.

INDEX TO TITLE 17

	Page
Absent voters	
Application form	114
Defective ballots	124
Delivery to ill and physically disabled voters	118
List of	117
Mailing of ballots	120
Request in conjunction with application to apply	116
Anonymous Political Literature	39
Apportionment	
State Representatives	16
State Senators	12
Assistance to voters	129
Australian ballot system, definition of	42
Hours of voting	126
Requirement for public hearing	175
Use for local elections	173
Ballot boxes	110
Board of Civil Authority	
Political representation	52
Quorum	42
Campaign finance laws	188
Campaigning within the polling place	111
Candidates Nominated by more than one party	100
Canvassing Committee	
General	139
Primary	82
Challenges to voters	127
Charter adoption and amendment process	161
Checklist	
Deadline for applications	53
Posting	51
Removing names from	61
Revision	52
Tally	132
Conduct of Elections	94
Contest of Elections	152
Conventions to Amend the U.S. Constitution	1
Counting ballots	134
Crimes relating to elections	35
Definitions	41
Delivery of ballots to clerks	102
Depositing ballots	130
Disqualifications	
Election officials as candidates	95
Justices delivering ballots	119
Election Crimes	35
Prosecution of	155
Electors, Nomination of Presidential	185
Eligibility of voters	49
Exit checklist	130
Failing to return unvoted Primary ballots	124
Freemen's Oath, administration of	50

General Election	
Ballot	96
Guardrail	110
Handicapped voters	
Generally	109
Town Meeting	173
Incompatible offices	165
Independent Candidates	89
Justices of the Peace	
Ballots	97
Delivery to ill and physically disabled	118
Nomination process	92
Moderator	168
Nomination by Party Committee	84
Time for filing statements	88
Political parties	
Major political party defined	46
Minor political parties organization	72
Officers required	71
Organizational caucus (county)	68
Organizational caucus (town)	66
Party platform conventions	72
State committee	69
Polling Places	107
Pollwatchers	127
Presidential Election	
Ballot	99
Party convention to nomination delegates	185
Presidential Preference Primary	183
Presiding Officer	
Defined	94
Duties	94
Local Elections	175
Primary ballots	80
Primary Election	
Date	76
Primary petitions	76
Examining	78
Place for filing	78
Time for filing	78
Probate Districts defined	74
Purposes of Election Laws	41
Reapportionment	30
Reconsideration and rescission	170
Recounts	
General and Primary	141
Town Meeting	180
Representative Districts	16
Defined	74
Residence, definition of	49
Returns, filing of	136
Sample ballots, posting of	113
Senatorial Districts	12
Defined	74
Spoiled and unused ballots	129
State Institution, definition of	48

Tie Votes, Primary	83
Town Meeting	
Budget	172
Date	158
Election of officers	163
Nomination of candidates (Australian ballot only)	175
Special Meetings	160
Warning	159
Unorganized towns and gores, voting by residents of	50
Vacancies, how to fill	156
Validation of municipal meetings	171
Vermont Constitution, Amendment of	7
Village checklists	51
Voting booths	110
Voting machines	103
Warning	
Australian ballot elections	112
Town Meeting	159
Withdrawal of Candidacy	92
Workshops, Election	96
Write-in Candidates, Primary	83

**NEW
DOCUMENT**

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the last page of
inside the book.

1992
SUPPLEMENT
TO

VERMONT
ELECTION
LAWS

(17 V.S.A.)

Effective July 1, 1992

This supplement contains the following changes:

1987 Change	Effective Date
§ 2645	7/1/87
1988 Changes	
§ 2801	7/1/88
§ 2803	7/1/88
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§ 2124(a)	7/1/90
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§ 2508	7/1/90
§ 2521(a)	7/1/90
§ 2532(f)	7/1/90
§ 2569(a)	7/1/90
§ 2602(c)	7/1/90
§ 2681a(f)	7/1/90
1992 Changes	
§ 1906b	
§ 1906c	
§ 1907	
§ 1909(a) and (e)	
§ 2144(d)	
§ 2478(a)	
§ 2501(e)	
§ 2502(a)	
§ 2640(b) and (c)	

§ 2646(7)
§ 2651a
§ 2661
§ 2715
§ 2806
§ 2808
§ 2841
§ 2842

§ 1881
§ 1891a
§ 1893
§ 1902
§ 1903
§ 1904(d)
§ 1905
§ 1906
§ 1906a

§ 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, Brandon, Bridport, Bristol, Cornwall, Ferrisburg, Goshen, Granville, Hancock, Leicester, Lincoln, Middlebury, Monkton, New Haven, Orwell, Panton, Ripton, Salisbury, Shoreham, Starksboro, Vergennes, Waltham, Whiting and Weybridge.....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, Whitingham, Winhall and Woodford.....two;

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

(4) Chittenden senatorial district, composed of the towns of Bolton, Buel's Gore, Burlington, Charlotte, Essex, Hinesburg, Huntington, Jericho, Milton, Richmond, St. George, Shelburne, South Burlington, Underhill, Westford, Williston, 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, Morgan, Newport City, Newport Town, Norton, Richford, Sheffield, Troy, Warner's Grant, Warren's Gore, Westfield, Westmore, Wolcott and Victory.....two;

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

(7) Grand Isle senatorial district, composed of the towns of Alburg, 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, Orange, Randolph, Strafford, Thetford, Tunbridge, Vershire, Washington and Williamstown.....one;

(10) Rutland senatorial district, composed of the towns of Benson, Castleton, Chittenden, Clarendon, Danby, Fair Haven, Hubbardton, Ira, Mendon, Middletown Springs, Mt. Holly, Mt. Tabor, Pawlet, Pittsfield, Pittsford, Poultney, Proctor, Rutland City, Rutland Town, Sherburne, 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, Londonderry, Marlboro, Newfane, Putney, Rockingham, Somerset, Stratton, Townshend, Vernon, Wardsboro, Westminster, Wilmington and Windham.....two;

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

§ 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.

§ 1893. INITIAL DIVISION

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

<u>District</u>	<u>Towns and Cities</u>	<u>Representatives</u>
<u>Addison-1</u>	<u>Addison, Bridport, Ferrisburg,</u> <u>Panton, Vergennes, and Waltham . . .</u>	<u>2</u>
<u>Addison-2</u>	<u>Lincoln, Monkton and Starksboro . .</u>	<u>1</u>
<u>Addison-3</u>	<u>Bristol</u>	<u>1</u>
<u>Addison-4</u>	<u>Cornwall, Middlebury,</u> <u>New Haven and Weybridge</u>	<u>3</u>
<u>Addison-</u> <u>Rutland-1</u>	<u>Orwell, Shoreham,</u> <u>Benson and Hubbardton</u>	<u>1</u>
<u>Addison-</u> <u>Rutland-2</u>	<u>Goshen, Hancock, Leicester, Ripton,</u> <u>Salisbury, Whiting and Sudbury . .</u>	<u>1</u>
<u>Bennington-1</u>	<u>Arlington, Sandgate and Sunderland .</u>	<u>1</u>
<u>Bennington-2</u>	<u>Bennington, Glastenbury, Readsboro,</u> <u>Shaftsbury, Stamford and Woodford .</u>	<u>6</u>
<u>Bennington-3</u>	<u>Pownal</u>	<u>1</u>
<u>Bennington-4</u>	<u>Manchester</u>	<u>1</u>
<u>Bennington-</u> <u>Rutland-1</u>	<u>Dorset, Peru, Winhall,</u> <u>Danby and Landgrove</u>	<u>1</u>
<u>Caledonia-1</u>	<u>Hardwick, Stannard and Walden . . .</u>	<u>1</u>
<u>Caledonia-2</u>	<u>St. Johnsbury</u>	<u>2</u>
<u>Caledonia-3</u>	<u>Barnet, Ryegate and Waterford . . .</u>	<u>1</u>
<u>Caledonia-4</u>	<u>Burke, Lyndon and Sutton</u>	<u>2</u>
<u>Caledonia-</u> <u>Washington-1</u>	<u>Danville, Peacham and Cabot</u>	<u>1</u>
<u>Chittenden-1</u>	<u>Colchester and Winooski</u>	<u>6</u>
<u>Chittenden-2</u>	<u>Essex, Milton and Westford</u>	<u>7</u>
<u>Chittenden-3</u>	<u>Bolton, Jericho and Underhill</u>	<u>2</u>
<u>Chittenden-4</u>	<u>Richmond</u>	<u>1</u>
<u>Chittenden-5</u>	<u>Charlotte, St. George,</u> <u>Shelburne and Williston</u>	<u>4</u>
<u>Chittenden-6</u>	<u>Hinesburg</u>	<u>1</u>
<u>Chittenden-7</u>	<u>Burlington and South Burlington . .</u>	<u>14</u>

<u>District</u>	<u>Towns and Cities</u>	<u>Representatives</u>
<u>Essex-</u>		
<u>Caledonia-1</u>	<u>Bloomfield, Brunswick, Concord,</u> <u>Granby, Guildhall, Lemington,</u> <u>Lunenburg, Maidstone, Victory and</u> <u>Kirby</u>	<u>1</u>
<u>Essex-</u>		
<u>Caledonia-2</u>	<u>Averill, Avery's Gore, Brighton,</u> <u>Canaan, Ferdinand, East Haven,</u> <u>Lewis, Norton, Warren's Gore,</u> <u>Warner's Grant and Newark</u>	<u>1</u>
<u>Franklin-1</u>	<u>Franklin and Highgate</u>	<u>1</u>
<u>Franklin-2</u>	<u>Bakersfield, Berkshire,</u> <u>Enosburg and Richford</u>	<u>2</u>
<u>Franklin-3</u>	<u>St. Albans City and St. Albans Town</u>	<u>3</u>
<u>Franklin-4</u>	<u>Fairfield and Sheldon</u>	<u>1</u>
<u>Franklin-5</u>	<u>Fairfax, Fletcher and Georgia . . .</u>	<u>2</u>
<u>Franklin-</u>		
<u>Grand Isle-1</u>	<u>Swanton, Alburg, Grand Isle,</u> <u>Isle La Motte, North Hero and</u> <u>South Hero</u>	<u>3</u>
<u>Lamoille-1</u>	<u>Belvidere, Cambridge and Waterville</u>	<u>1</u>
<u>Lamoille-2</u>	<u>Hyde Park, Morristown,</u> <u>Stowe and Wolcott</u>	<u>3</u>
<u>Lamoille-3</u>	<u>Eden and Johnson</u>	<u>1</u>
<u>Orange-1</u>	<u>Braintree, Brookfield</u> <u>and Randolph</u>	<u>2</u>
<u>Orange-2</u>	<u>Chelsea, Orange, Tunbridge,</u> <u>Vershire, Washington</u> <u>and Williamstown</u>	<u>2</u>
<u>Orange-3</u>	<u>Bradford and Corinth</u>	<u>1</u>
<u>Orange-4</u>	<u>Fairlee, Thetford and West Fairlee .</u>	<u>1</u>
<u>Orange-</u>		
<u>Caledonia-1</u>	<u>Newbury and Topsham, Groton</u>	<u>1</u>
<u>Orleans-1</u>	<u>Brownington, Charleston, Derby,</u> <u>Holland and Morgan</u>	<u>2</u>
<u>Orleans-2</u>	<u>Coventry, Irasburg,</u> <u>Newport City and Newport Town . . .</u>	<u>2</u>
<u>Orleans-</u>		
<u>Caledonia-1</u>	<u>Albany, Barton, Craftsbury,</u> <u>Glover, Greensboro, Westmore,</u> <u>Sheffield and Wheelock</u>	<u>2</u>
<u>Orleans-</u>		
<u>Franklin-1</u>	<u>Jay, Lowell, Troy,</u> <u>Westfield and Montgomery</u>	<u>1</u>
<u>Rutland-1</u>	<u>Castleton, Fair Haven</u> <u>and West Haven</u>	<u>2</u>
<u>Rutland-2</u>	<u>Brandon and Pittsford</u>	<u>2</u>
<u>Rutland-3</u>	<u>Poultney</u>	<u>1</u>
<u>Rutland-4</u>	<u>Mt. Holly, Mt. Tabor,</u> <u>Tinmouth and Wallingford</u>	<u>1</u>
<u>Rutland-5</u>	<u>Rutland Town</u>	<u>1</u>
<u>Rutland-6</u>	<u>Rutland City</u>	<u>5</u>

<u>District</u>	<u>Towns and Cities</u>	<u>Representatives</u>
<u>Rutland-7</u>	<u>Clarendon, Ira, Proctor</u> <u>and West Rutland</u>	<u>2</u>
<u>Rutland-</u> <u>Bennington-1</u>	<u>Middletown Springs, Pawlet,</u> <u>Wells and Rupert</u>	<u>1</u>
<u>Rutland-</u> <u>Windsor-1</u>	<u>Chittenden, Mendon, Sherburne</u> <u>and Bridgewater</u>	<u>1</u>
<u>Washington-1</u>	<u>Moretown, Northfield and Roxbury . .</u>	<u>2</u>
<u>Washington-2</u>	<u>Calais, East Montpelier, Marsh-</u> <u>field, Plainfield and Woodbury . . .</u>	<u>2</u>
<u>Washington-3</u>	<u>Barre Town</u>	<u>2</u>
<u>Washington-4</u>	<u>Barre City and Berlin</u>	<u>3</u>
<u>Washington-</u> <u>Addison-1</u>	<u>Fayston, Waitsfield, Warren,</u> <u>Granville</u>	<u>1</u>
<u>Washington-</u> <u>Chittenden-1</u>	<u>Duxbury, Waterbury, Buel's</u> <u>Gore and Huntington</u>	<u>2</u>
<u>Washington-</u> <u>Lamoille-1</u>	<u>Middlesex, Montpelier,</u> <u>Worcester and Elmore</u>	<u>3</u>
<u>Windham-1</u>	<u>Athens, Dummerston, Putney</u> <u>and Westminster</u>	<u>2</u>
<u>Windham-2</u>	<u>Brattleboro, Guilford and Vernon . .</u>	<u>4</u>
<u>Windham-3</u>	<u>Brookline, Marlboro, Newfane</u> <u>and Townshend</u>	<u>1</u>
<u>Windham-4</u>	<u>Dover, Jamaica, Londonderry,</u> <u>Stratton and Wardsboro</u>	<u>1</u>
<u>Windham-</u> <u>Bennington-1</u>	<u>Halifax, Somerset, Whitingham,</u> <u>Wilmington and Searsburg</u>	<u>1</u>
<u>Windsor-1</u>	<u>Windsor</u>	<u>1</u>
<u>Windsor-2</u>	<u>Barnard, Hartford, Pomfret,</u> <u>Reading and Woodstock</u>	<u>4</u>
<u>Windsor-3</u>	<u>Hartland and West Windsor</u>	<u>1</u>
<u>Windsor-4</u>	<u>Cavendish and Weathersfield</u>	<u>1</u>
<u>Windsor-5</u>	<u>Andover, Baltimore, Chester</u> <u>and Weston</u>	<u>1</u>
<u>Windsor-</u> <u>Orange-1</u>	<u>Norwich, Royalton, Sharon</u> <u>and Strafford</u>	<u>2</u>
<u>Windsor-</u> <u>Rutland-1</u>	<u>Ludlow, Plymouth and Shrewsbury . .</u>	<u>1</u>
<u>Windsor-</u> <u>Rutland-2</u>	<u>Bethel, Rochester, Stockbridge</u> <u>and Pittsfield</u>	<u>1</u>
<u>Windsor-</u> <u>Windham-1</u>	<u>Springfield, Grafton,</u> <u>Rockingham and Windham</u>	<u>4</u>

§ 1902. DEFINITION

As used in this chapter:

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

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

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

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

§ 1903. PERIODIC REAPPORTIONMENT; STANDARDS

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

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

- (1) preservation of existing political subdivision lines;
- (2) recognition and maintenance of patterns of geography, social interaction, trade, political ties and common interests;
- (3) use of compact and contiguous territory.

§ 1904. LEGISLATIVE APPORTIONMENT BOARD

(b) Members of the board shall first be selected on or before *(July 5, 1965)* July 1, 1990, and thereafter members shall be selected decennially before July 1 *(of the year of each second presidential election after 1964, and shall serve until their successors are selected. The appointing or electing authority shall fill vacancies)* and shall serve until their successors are selected. The appointing or electing authority shall fill vacancies.

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

§ 1905. HOUSE APPORTIONMENT -- TENTATIVE PROPOSAL

On or before {February}* April 1st 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 {February 20th}* May 1st, recommend to the legislative apportionment board the manner in which initial district lines within those towns and cities should be drawn, always having regard for the standards of apportionment set forth in section 1903 of this title. Upon request of any board of civil authority, the legislative apportionment board shall designate one of its members, or a person designated in section 1908 of this title, to call and preside without vote over a joint meeting of two or more boards of civil authority for the purpose of making joint recommendations.

§ 1906. INITIAL DISTRICTS; FINAL PROPOSAL; FINAL PLAN

(a) Upon receiving recommendations made under section 1905 of this title, the board shall consider the same, and shall, not later than {March}* May 15th, 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 {March}* May 15th, transmit such proposal to the clerk of the house, and the proposal shall then be referred to the appropriate committee. The general assembly shall then accept the proposal and enact it into law or substitute another plan for reapportionment provided, however, that

(1) The plan for initial districts finally approved shall be in conformity with the provisions of this chapter and

(2) Be duly enacted during the said biennial legislative session.

§ 1906a. FINAL DIVISION INTO REPRESENTATIVE DISTRICTS

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

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

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

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

§ 1906b. DIVISION OF TWO-MEMBER REPRESENTATIVE DISTRICTS

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

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

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

(1) preservation of existing political subdivision lines;

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

(3) use of compact and contiguous territory;

(4) incumbencies.

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

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

assembly divide the initial district, and the general assembly may divide the initial district into single-member representative districts.

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

§ 1906c. DIVISION OF DISTRICTS HAVING THREE OR MORE REPRESENTATIVES

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

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

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

(1) preservation of existing political subdivision lines;

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

(3) use of compact and contiguous territory;

(4) incumbencies.

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

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

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

if they are consistent with the standards set forth in this section.

§ 1907. SENATE APPORTIONMENT

On or before *(February)* April 1st 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 thirty 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.

§ 1909. REVIEW

(a) Within 30 days of the effective date of any apportionment bill enacted pursuant to sections 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.

(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.

§ 2124. FREEMAN'S OATH; HOW ADMINISTERED

(a) The freeman's oath may be administered within the state of Vermont by any person authorized by the law of this state to administer oaths, *(or)* by any member of a board of civil authority, or any presiding officer.

§2144. DEADLINE FOR APPLICATIONS

(d) In the case of annual meetings and towns that start their annual meetings on any day preceding the first Tuesday in March as authorized in section 2640(b) of this title, the "day of election" shall be the first Tuesday in March.

§ 2474. CHOICE OF PARTY

(a) A person nominated by any means for the same office by more than one political party, at least 36 days before the day of the election may elect the party or parties in which *(he)* the nominee will be a candidate. *(He)* The nominee shall notify in writing the secretary of state or town clerk, as the case may be, of such choice, and only the party or parties to which *(he)* the

nominee so elects shall be printed next to *(his)* the nominee's name on the ballot.

§ 2478. NUMBER OF BALLOTS TO BE PRINTED AND FURNISHED

(a) For primary elections, the secretary of state shall furnish each town with a sufficient number of ballots based on the history of voter turnout in the town and in consultation with the town clerk.

§ 2501. DETERMINING DISTRICTS

(e) If more than one polling place is located within the same building, each shall be located so that it is separate and distinct from the others, and each shall be run separately from the others with regard to the process of voting. Each polling place shall have its own entrance and exit tables, guardrails, voting booths and ballot boxes, and it shall have its own election officials handling the entrance and exit checklists, furnishing ballots, supervising the deposit of ballots, otherwise conducting the voting part of the elections and tallying the checklists after the polls have closed. However, in the case of a town that uses vote tabulators designed to tabulate ballots from multiple districts by means of a single tabulator, nothing in this section shall prohibit such a town from using a single voting area and a single vote tabulator for two or more districts, as long as voters are checked in through separate entrance checklists and checked out through separate exit checklists if exit checklists are employed.

§ 2502. LOCATION OF POLLING PLACES

(a) Each polling place shall be located in a public place within the town. Unless all the polling places in the town or ward are located in the same building, each polling place shall be located in the voting district which it serves.

§ 2508. *(POLITICAL MATERIALS OR CAMPAIGNING WITHIN POLLING PLACE)* 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) The provisions of this section shall be posted in the notice required by section 2521 of this title.

§ 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 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; 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 *{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. The checklist shall also be posted as required in section 2141 of this title.

§ 2532. APPLICATIONS; FORM

(f) The town clerk may, upon application, issue a duplicate absent voter 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 absent voter 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 absent voter ballot is issued and both the duplicate and original absent voter ballot are received before the close of the polls on election day, the ballot with the earliest postmark shall be counted.

§ 2569. ASSISTANCE TO VOTER

(a) A voter who declares to the presiding officer that he or she cannot read or write or by reason of physical or mental disability is unable to mark the ballot or register a vote on a machine, as the case may be, shall, upon request, be directed by the presiding officer to a booth in which the voter may be assisted in the marking or registering of the ballot by two election officials or a person of the voter's choice *(who is a legal voter of the town in which the polling place is located)*, provided that the person so chosen is not the employer or union representative of the voter desiring assistance.

§ 2602. PROCEDURE FOR RECOUNTS

(c) The superior court shall set an early date for the recount, notifying all candidates at least five days in advance. The court shall order the town clerk or clerks having custody of the ballots to be recounted to surrender them to the *(sheriffs of the respective counties)* state police, who shall 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. The court shall appoint a sufficient number of impartial voters as a committee to recount the votes. Committee members

shall be paid by the state at the rate of \$25.00 per day plus necessary expenses.

§ 2640. ANNUAL MEETINGS

(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) In a town which starts its annual meeting on any day before the first Tuesday in March and which uses the Australian ballot system, public discussion of ballot issues and all other issues appearing in the warning, other than election of candidates, shall be permitted on that day.

§ 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.

{(1)} (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 ten days before the first public hearing and copies thereof shall be made available to members of the public upon request.

{(2)} (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) *{The}* 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 ten 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.

{(3)} (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.

{(4)} (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.

§ 2646(7). TOWN OFFICERS; QUALIFICATION; ELECTION

(7) A first constable, and if needed a second constable, unless the town has voted to authorize the selectmen to appoint constables as provided in section 2651a of this title. 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;

§ 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.

§ 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) Where a petition signed by not less than five percent of the qualified voters of a municipality 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 thirty days following the date of that meeting, the legislative body shall provide for a vote by the municipality in accordance with the petition within sixty days of the submission at an annual or special meeting duly warned for that purpose.

(c) A question voted on shall not be presented for reconsideration or rescission at more than one subsequent meeting within the succeeding twelve 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}."

§ 2681a. LOCAL ELECTION BALLOTS

(f) 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.

§ 2715. PARTY CONVENTION TO ELECT DELEGATES

The state committee of each major political party holding a national convention shall call a party convention, under regulations proposed in advance and adopted by the committee, to be held during the month of May in each presidential election year. At the convention, delegates and alternates to the national conventions of such party, to the number apportioned to this state, shall be elected.

§ 2801. 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 totalling \$500.00 or more; or

(B) filing the requisite petition for nomination under this title or being nominated by primary or caucus; or

(C) announcing that he seeks an elected position as a state, county or local officer or a position as representative or senator in the general assembly.

(2) "Contribution" means a payment, distribution, advance, deposit, loan or gift of money or anything of value, paid or promised to be paid to a candidate or political committee 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, but shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate, political committee or political party. For purposes of this chapter, "contribution" shall not include a personal loan to a candidate or political committee from a lending institution.

(3) "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, by a candidate, political committee or political party or any person, committee or group authorized by a candidate or political committee or political party to make an expenditure.

(4) "Political committee" means any formal or informal committee of two or more individuals, not including a political party, which receives contributions or makes expenditures of more than \$500.00 in any one calendar year 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 or affecting the outcome of an election.

(5) "Political party" means a political party organized under chapter 45 of this title or any committee established, financed, maintained or controlled by the party, including any subsidiary, branch or local unit thereof and including national or regional affiliates of the party.

(6) "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.

(7) "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 fill a public office, or to act on public questions including voting on constitutional amendments. Each primary, general, special, run-off or local election shall constitute a separate election.

(8) "Public question" means an issue that is before the voters for a binding decision.

§ 2803. CAMPAIGN REPORTS; 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 and mailing address of each contributor who contributes an amount in excess of*{\$50.00}*\$100.00, the date of the contribution, and the amount contributed;

(2) the total amount of all contributions of *{\$50.00}*\$100.00 or less and the total number of all such contributions;

(3) each expenditure listed by amount, date, to whom paid and for what purpose;

(4) the amount contributed or loaned by the candidate to his own campaign; and

(5) each debt or other obligation, listed by amount, date incurred, to whom owed and for what purpose.

(b) The form shall require the reporting of all contributions and expenditures received or spent during the reporting period and not previously reported and shall require full disclosure of the manner in which any indebtedness is discharged or forgiven. Contributions and expenditures for the reporting period also shall be totalled in an appropriate place on the form. 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. Contributions and expenditures received or spent during the 48 hour period prior to the filing deadline shall be reported on the next report.

(c) The form described in this section shall contain language of certification of the truth of the statements and places for the signature of the candidate and his treasurer.

(d) All reports filed under this section shall be retained in an indexed file by the official with whom the report is filed and shall be subject to the examination of any person.

(e) Disclosure shall be limited to the information required by this section.

§ 2805. LIMITATIONS OF CONTRIBUTIONS

(a) No candidate or political committee shall accept contributions totalling more than \$1,000.00 from a single source for any election.

(b) No candidate or political committee shall accept contributions totalling more than *{\$5,000.00}* \$3,000.00 from a political committee for any election.

(c) No candidate or political committee shall accept contributions totalling more than \$1,000.00 from a candidate for federal office for any election.

{(c)} (d) All contributions in excess of \$50.00 shall be made by check.

{(d)} (e) This section shall not be interpreted to limit the amount a candidate or his or her immediate family may contribute to his or her own campaign.

(f) The limitations on contributions established by this section shall not apply to contributions made for the purpose of advocating a position on a public question, including a constitutional amendment.

§ 2807. NEW CAMPAIGN ACCOUNTS

Candidates who choose to open a new campaign account for public office may close out their former campaign by filing a final report with the secretary of state converting all debts and assets to the new campaign. This final report shall disclose all contributions and expenditures and the disposition of all debts and assets attributable to the former campaign as of the date of the filing of the final report.

§ 2806. PENALTIES

(a) No certificate of nomination or election shall be granted to a candidate until the candidate or his treasurer has timely filed reports as required in this chapter.

Sections (b) (underlined section) and (c) effective January 1, 1993

(b) A person who knowingly and intentionally violates a provision of subchapters 2 through 4 of this chapter shall be fined not more than \$1,000.00 or imprisoned not more than six months or both.

(c) A candidate who voluntarily agrees to limit campaign expenditures and who exceeds any of the limitations established in section 2842 of this title shall remit the amount of the excess expenditure to the secretary of state for deposit in the general fund within 90 days after the election, or be subject to a fine equaling 10 percent of the applicable amount established under section 2842 of this title.

(d) In addition to the other penalties herein provided, 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 hereof.

Section 2808 effective January 1, 1993

§ 2808. PREPARATION OF LIST OF CAMPAIGN EXPENDITURES

Not later than five days after receipt of campaign finance reports under this chapter, the secretary of state shall prepare a list of the accumulated amount of expenditures reported by each candidate.

§ 2821. CAMPAIGN REPORTS; LEGISLATIVE AND COUNTY OFFICE CANDIDATES

(a) Each candidate for representative or senator in the general assembly and each candidate for county office who has made expenditures or accepted contributions of \$500.00 or more shall file campaign finance reports with the officer with whom his or her nomination papers are filed as follows:

- (1) ten days before the primary election;
- (2) ten days before the general election;
- (3) further campaign reports shall be filed on the fifteenth day of July and annually thereafter or until all contributions and expenditures have been accounted for and any indebtedness and surplus have been eliminated.

(b) Within thirty days after the general election, each candidate for representative or senator and each candidate for county office who has made expenditures or accepted contributions of \$500.00 or more shall file a "final report" which lists a complete accounting of all contributions and expenditures, and disposition of surplus, and which shall constitute the termination of his campaign activities.

(c) Copies of reports filed under this section shall be forwarded by the officer to the secretary of state within five days of receipt.

Sections §§ 2841 and 2842 effective January 1, 1993

§ 2841. LIMITATIONS ON CAMPAIGN EXPENDITURES

(a) Any candidate for governor, lieutenant-governor, treasurer, secretary of state, auditor of accounts, attorney general or member of the general assembly may voluntarily agree to limit the candidate's campaign expenditures and campaign expenditures made under the candidate's direction or control by filing an affidavit declaring such agreement. The secretary of state shall prepare affidavit forms and make them readily available to candidates.

(b) The affidavit shall state that the candidate is aware of the voluntary expenditure limitation applying to the office the candidate seeks and that he or she voluntarily agrees to limit his or her expenditures and campaign expenditures made on the candidate's behalf to the amount established under section 2842 of this title or to a lower amount as agreed upon by the candidates for the same office. The affidavit shall further state that the candidate will not approve or solicit any independent expenditures made on behalf of the candidacy. The affidavit shall be sworn and subscribed to by the candidate.

(c) A candidate whose name is placed on a primary election ballot under Chapter 49 of this title shall file the affidavit not later than August 1 after becoming a primary election candidate. A candidate whose name is not placed on a primary election ballot shall file the affidavit not later than the filing deadline established in section 2386 of this title. The secretary of state shall prepare a list of the candidates who have and have not voluntarily agreed to the campaign expenditure limitations established under this chapter not later than two weeks after the filing deadline established in section 2386 of this title.

§ 2842. CAMPAIGN EXPENDITURE LIMITATION AMOUNTS

(a) For the purpose of this section:

(1) "Incumbent candidate" means a candidate who serves in an office identified in section 2841(a) of this title and seeks reelection to that office.

(2) "Challenger candidate" means a candidate who is not an incumbent candidate, as defined in subsection (a)(1) of this section, opposing such an incumbent candidate in an election.

(b) Total expenditures by an incumbent candidate who voluntarily agrees to limit campaign expenditures as provided in section 2841 of this title shall not exceed the amounts established by this subsection. In an election without an incumbent candidate, these amounts shall apply to all candidates who so voluntarily agree to limit campaign expenditures.

(1) For governor, \$400,00.00.

(2) For lieutenant-governor, \$100,000.00.

(3) For attorney general, \$50,000.00.

(4) For treasurer, secretary of state, and auditor of accounts, \$40,000.00.

(5) For state senator, \$4,000.00 + ((the number of senators to be elected in the district - 1) x \$2,500.00).

(6) For state representative, \$2,000.00 in a single member district and \$3,000.00 in a two-member district.

(c) Total expenditures by a challenger candidate who voluntarily agrees to limit campaign expenditures as provided in section 2841 of this title shall not exceed 110 percent of the amounts provided in subsection (b) of this section.

ALL 1995 CHANGES ARE IN BOLD FACE AND UNDERLINED.

22-17-110 Contesting election of state legislator; commencement.

A contest of the election of a member of the state legislature shall be commenced within thirty (30) days after his election has been certified by the state canvassing board by serving him personally or at his mailing address with a notice of intent to contest setting forth the grounds for the contest. A copy of that notice must be filed by the contestant with the secretary of state within thirty (30) days after the contested member's election has been certified by the state canvassing board. (effective July 1, 1995)

22-20-102 Transmittal to secretary of state; numbering and endorsement; ballot statement.

(a) A proposed amendment shall be transmitted to the office of the secretary of state by the house in which it originates or by a constitutional convention. The secretary of state shall letter each proposed amendment serially in the order received from the legislature or convention and shall endorse upon a proposed amendment, a brief statement of the purpose of the amendment. If the bill proposing the amendment provides this statement, it shall be adopted by the secretary of state.

(b) The letter and statement endorsed on a proposed amendment are part of the amendment for purposes of reference in submitting the amendment to the electors and shall constitute the ballot statement of the amendment. (Effective immediately)

22-20-104 Publication by secretary of state; supplemental publication by clerk.

(b) The clerk may supplement publication thereof by radio or television broadcasts or both. The broadcasts shall identify the proposed amendment or other question, by letter and statement of purposes as prescribed by law, and shall state the name of the newspaper in which the published notice will appear and the date on which it will appear. (Effective Immediately)

22-24-104 Application; contents.

(v) In an initiative, a statement that the proposed bill has been submitted to the secretary of state as required by W.S. 22-24-105(b). (Effective Immediately)

22-24-105 Requirements as to proposed bill.

(b) In an initiative, concurrently with the filing of the application, the proposed bill shall be submitted by the committee of sponsors to the secretary of state for review and comment. Upon request of the secretary of state, the legislative service office or any agency in the executive department shall render assistance in reviewing and preparing comments on the proposed bill. No later than fourteen (14) calendar days after the date of submission, at a conference scheduled by the secretary of state, the secretary shall render to the committee of sponsors comments on any problems encountered concerning the format or contents of the proposed bill. The comments shall not be disclosed prior to the conference with the committee of sponsors but, at such time as the application is certified, the comments shall become a public record. After the conference but before the certification the sponsors may amend the proposed bill in response to some or all of the comments of the secretary of state and resubmit the proposed bill in accordance with this subsection, or they may disregard the comments entirely. The committee of sponsors shall notify the secretary of state within five (5) calendar days after the conference whether the proposed bill will be amended. If the proposed bill is to be amended it shall be resubmitted for review and comment in accordance with this subsection. If the proposed bill will not be amended it shall be submitted by the committee of sponsors together with the comments to the secretary of state.

(c) If in the opinion of the secretary of state the proposed bill will have a fiscal impact on the state, the comments prepared pursuant to subsection (b) of this section shall contain an estimate and explanation of the fiscal impact. The explanation shall include a statement that it is an estimate of fiscal impact to the state only and does not include an estimate of any impact upon political subdivisions. The estimate and explanation shall be disclosed to the committee of sponsors at the conference held pursuant to subsection (b) of this section and may be revised if in the opinion of the secretary of state the committee demonstrates the estimate or explanation is inaccurate. (Effective immediately)

22-24-108 Review by secretary of state.

Within seven (7) calendar days after receiving the proposed bill and the comments reviewed under W.S. 22-24-105 and estimated state fiscal impact, the secretary of state shall review the application and shall either certify it or notify the committee in writing of the grounds for denial. (Effective Immediately)

22-24-109 Grounds for denying certification of initiative or referendum application.

(a) (iii) There is an insufficient number of qualified registered voters as sponsors; or

(iv) The proposed bill was not submitted for review and comment in accordance with W.S. 22-24-105(c). (Effective Immediately)

22-24-117 Ballot proposition; preparation and contents.

If the petition is properly filed, the secretary of state, with the assistance of the attorney general, shall prepare a ballot proposition. The ballot proposition shall give a true and impartial summary of the proposed law or of the referred act including the estimated fiscal impact on the state and explanation of the impact prepared in accordance with W.S. 22-24-105(c), and shall make provision for approval and for disapproval thereof. (Effective Immediately)

22-24-122 Action for review of determination.

Any person aggrieved by any determination made under W. S. 22-24-105(c), the secretary of state or by the attorney general may bring an action in the district court of Laramie county to have the determination reviewed by filing application within thirty (30) days of the date on which notice of the determination was given. (Effective immediately)

22-25-106 Filing of campaign reports.

(b) Any political action committee and candidate's campaign committee formed under W.S. 22-25-101 or any political action committee formed under federal law or the law of another state that contributes to a Wyoming political action committee or to a candidate's committee shall file a fully itemized statement of receipts and expenditures regardless of when the committee is formed, and shall continue to file an itemized statement until all debts are retired. Upon retirement of all debts, the committee may terminate. A committee formed before any primary, general or special election shall file a statement within ten (10) days after the election with the appropriate filing officers specified under W.S. 22-25-107. A committee formed after an election to defray campaign expenses incurred during a previous election and any ongoing committee shall file an itemized statement of receipts and expenditures on July 1 and December 31 of each odd-numbered year and shall continue to make the reports until the committee terminates. A political action committee formed for the support of or opposition to any initiative or referendum petition drive or any organization supporting or opposing a petition drive shall file an itemized statement of receipts and expenditures within ten (10) days after the petition is submitted to the secretary of state pursuant to W.S. 22-24-115. Any organization supporting or opposing a ballot proposition shall file an itemized statement of receipts and expenditures within ten (10) days after the election. A political action committee formed or in existence in a previous year shall file an itemized statement of receipts and expenditures within ten (10) days after any primary, general or special election in which the committee made any expenditure in support of or opposition to any candidate or ballot proposition or relating to voter registration or voter education. (Effective July 1, 1995)

22-25-108 Failure of candidate to file statement.

(c) Any political action committee which fails to file a report as required may be charged with a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750). A late filing fee of twenty-five dollars (\$25) shall accompany all late reports. (Effective July 1, 1995)

22-25-115 Written campaign advertising; prohibiting placement on public property.

Written campaign advertising shall not be placed on or attached to any real or personal property of the state or its political subdivision except that the University of Wyoming, any community college and school district may permit such advertising subject to regulation by their governing board as to time, place and manner. Any rules and regulations adopted shall provide for equal access to opposing political views. (effective immediately)

