TO THE HONORABLE SENATE:

The Committee on Government Operations to which was referred Senate Bill No. 298 entitled "An act relating to creating the Vermont Voting Rights Act" respectfully reports that it has considered the same and recommends that the bill be amended by striking out all after the enacting clause and inserting in lieu thereof the following:

* * * Vermont Voting Rights Act * * *

Sec. 1. SHORT TITLE

This act may be cited as the "Vermont Voting Rights Act of 2026."

Sec. 2. 17 V.S.A. chapter 59 is added to read:

CHAPTER 59. VERMONT VOTING RIGHTS ACT

Subchapter 1. Rights of Voters

§ 2801. DEFINITIONS

As used in this chapter:

(1) "Municipality" means a town, city, village, school district, or other political subdivision that holds public elections.

(2) "Protected class" means a group of citizens protected from discrimination based on race or color or membership in a language minority group.

§ 2802. VOTE DENIAL OR DILUTION

(a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by the State or any municipality in a manner that results in a denial or abridgement of the right of any citizen of the United States to vote based on race or color or membership in a language minority group.

(b) A violation of subsection (a) of this section is established if, on the basis of the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or a municipality are not equally open to participation by members of a protected class in that its members have less opportunity than other members of the electorate to participate in the political processes or to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or municipality is one circumstance that may be considered.

(c) Nothing in this section shall be construed to establish a right to have members of a protected class elected in numbers equal to their proportion in the population.

§ 2803. IMPAIRMENT OF VOTING RIGHTS OF REGISTERED VOTERS

Nothing in this chapter shall be construed to deny, impair, or otherwise adversely affect the right to vote of any registered voter.

§ 2804. CIVIL ACTIONS BY ATTORNEY GENERAL

(a) Whenever the Attorney General has reasonable cause to believe that a violation of this subchapter has occurred and that the rights of any voter or group of voters have been affected by such violation, the Attorney General may initiate a civil action in the Civil Division of the Superior Court in the county in which the alleged violation has occurred for appropriate relief.

(b) In such civil action, the court may:

(1) award such preventive relief, including a permanent or temporary injunction, restraining order, or other order against the person responsible for a violation of this title, as is necessary to ensure the full enjoyment of the rights granted by this title;

(2) assess a civil penalty against the respondent of not more than $5,000.00 for a first violation and of not more than $25,000.00 for any subsequent violation; and

(3) issue an order requiring reimbursement to the State of Vermont for the reasonable value of its services and its expenses in investigating and prosecuting the action.

Sec. 3. 17 V.S.A. chapter 35 is amended to read:

CHAPTER 35. OFFENSES AGAINST THE PURITY OF ELECTIONS

Subchapter 1. Penalties Upon Officers

* * *

§ 1934. INTERFERENCE WITH VOTING

(a) An election officer or a person acting under color of the law shall not intentionally:

(1) refuse to permit or fail to permit a qualified voter to vote;

(2) refuse or fail to tabulate, count, or report the vote of a qualified voter;

(3) change a ballot of a voter to prevent the voter from voting as the voter desires.

(b)(1) A person who violates subdivision (a)(1) or (2) of this section shall be subject to a civil penalty of not more than $1,000.00 for each affected voter.

(2) A person who violates subdivision (a)(3) or (4) of this section shall be imprisoned not more than six months or fined not more than $1,000.00, or both, for each affected voter.

(c) This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

* * *

Subchapter 3. Miscellaneous

* * *

§ 2022. INTIMIDATION OF ELECTION OFFICERS

(a) A person shall not intentionally, by bribery, intimidation, threats, coercion, or other means in violation of the election laws, hinder or prevent, or attempt to hinder or prevent, an election officer at any polling place from holding an election.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than $2,000.00, or both.

§ 2023. INTIMIDATION OF VOTERS; CIVIL CAUSE OF ACTION

(a) A person shall not intentionally intimidate, threaten, or coerce, or intentionally attempt to intimidate, threaten, or coerce:

(1) any other person in giving the person's vote or ballot; or

(2) a voter to deter or prevent the voter from voting.

(b) A person who violates this section shall be imprisoned not more than two years or fined not more than $2,000.00, or both.

(c) In addition to the criminal penalty provided in subsection (b) of this section, such actions shall also create a private cause of action. A voter who is intimidated, threatened, or coerced by another person in violation of subsection (a) of this section shall be entitled to institute an action for injunctive relief, including an application for a permanent or temporary injunction, restraining order, or other order, against such person. The action shall be initiated in the Civil Division of the Superior Court in the county in which the alleged violation has occurred. A court may, in its discretion, allow a private plaintiff

a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing party.

(d) This section applies to any election and to any method used by a political party for selection of its nominees and for selection of delegates to its conventions and meetings.

§ 2024. COMMUNICATION OF FALSE INFORMATION TO ELIGIBLE VOTERS

(a) A person shall not intentionally communicate to a registered voter false information, knowing the information to be false, for the purpose of impeding the voter in exercising the voter's right to vote. The provisions of this section shall apply to information only about the date, time, or place of the election; how to register to vote; or a voter's registration status.

(b) Any person who violates the provisions of subsection (a) of this section shall be imprisoned not more than six months or fined not more than $1,000.00, or both. A violation may be prosecuted in the Superior Court in either the county in which the alleged communication was made or in the county in which the communication was received, if different.

(c) In addition to the criminal penalty provided in subsection (b) of this section, a violation of the provisions of this section shall also create a private cause of action. A registered voter to whom such false information is communicated shall be entitled to institute an action for injunctive relief,

including an application for a permanent or temporary injunction, restraining order, or other order, against the person communicating such false information. The action shall be initiated in the Superior Court in either the county in which the alleged communication was made or in the county in which the communication was received, if different. The court may, in its discretion, allow a private plaintiff a reasonable attorney's fee as part of the costs, if the plaintiff is the prevailing party.

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* * * Safety Protections for Candidates * * *

Sec. 4. 17 V.S.A. § 2901 is added to read:

§ 2901. DEFINITIONS

As used in this chapter:

* * *

(7) "Expenditure" means a payment, disbursement, distribution, advance, deposit, loan, or gift of money or anything of value, paid or promised to be paid, for the purpose of influencing an election, advocating a position on a public question, or supporting or opposing one or more candidates.

(A) Expenditures may include those expenses that are necessary to allow a candidate to campaign, such as expenses for the care of a dependent family member that are incurred as a direct result of campaign activity or for the provision of security for the candidate.

* * *

* * * Effective Date * * *

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

(Committee vote: _____)

_____

Senator _____

FOR THE COMMITTEE