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STATE OF VERMONT
PUBLIC UTILITY COMMISSION

Docket No. 20-0703-PET

Vermont Legal Aid Request for Moratorium on)
Utility and Telecommunications Shutoffs During)
State of Emergency)

SUPPLEMENTAL COMMENTS OF THE DEPARTMENT OF PUBLIC SERVICE

In its comments of September 25, 2020, the Department failed to reference Section 9 of H.681 which is attached. As the General Assembly extended the temporary moratorium on disconnections from public drinking water and wastewater systems “during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19”, the Department notes that H. 681 would appear to be applicable to water companies under the jurisdiction of the Commission.

Dated at Montpelier, Vermont this 5th day of October, 2020.

VERMONT DEPARTMENT OF PUBLIC SERVICE

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AS PASSED BY HOUSE AND SENATE
2020

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H.681

An act relating to government operations in response to the COVID-19 outbreak

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

* * * Elections * * *

Sec. 1. LEGISLATIVE INTENT; PROTECTION OF CITIZENS AND OF
ELECTIONS

It is the intent of the General Assembly that, if the coronavirus disease 2019 (COVID-19) pandemic continues its expected spread in the State of Vermont, the citizens of Vermont should be able to protect their health, safety, and welfare while also continuing to exercise their right to participate in elections in order to maintain our democratic institutions. Accordingly, this act sets forth temporary elections provisions in response to COVID-19.

Sec. 2. ELECTIONS IN THE YEAR 2020; SUSPENSION OF PRIMARY
PETITION, STATEMENT OF NOMINATION, AND LOCAL
ELECTION VOTER SIGNATURE REQUIREMENTS

(a) Notwithstanding 17 V.S.A. § 2354, 2355, 2402(b), 2681(b), or any other provision of law to the contrary, a person shall not be required to collect voter signatures in order to have the person's name placed on any ballot in the year 2020, including on any local election ballot. Accordingly, a person shall not be required to file a primary petition as a major party candidate for the primary, a statement of nomination as an independent candidate for the general

election, or a petition as a candidate for a local election, as those contain the voter signatures.

(b) In the year 2020:

(1) Notwithstanding the start date for filing primary petitions for major party candidates set forth in 17 V.S.A. § 2356(a), consent of candidate forms for those candidates shall be filed not earlier than the second Thursday after the first Monday in May.

(2) Notwithstanding the start date for filing statements of nomination for independent candidates for President or Vice President of the United States set forth in 17 V.S.A. § 2402(d)(1)(A), consent of candidate forms for those candidates shall be filed not earlier than Saturday, July 18, 2020.

(3) Notwithstanding the start date for filing statements of nomination for any other independent candidates except for justice of the peace set forth in 17 V.S.A. § 2402(d)(1)(C), consent of candidate forms for those candidates shall be filed not earlier than Thursday, July 23, 2020.

(c) All other requirements relating to nominations and candidate qualifications shall continue to apply.

Sec. 3. ELECTIONS IN THE YEAR 2020; SECRETARY OF STATE;

GOVERNOR; TEMPORARY ELECTIONS PROCEDURES

(a) In the year 2020, the Secretary of State is authorized, in consultation and agreement with the Governor, to order or permit, as applicable, appropriate

elections procedures for the purpose of protecting the health, safety, and welfare of voters, elections workers, and candidates in carrying out elections, including:

(1) requiring mail balloting by requiring town clerks to send ballots by mail to all registered voters;

(2) creating early or mail ballot collection stations;

(3) permitting municipal clerks to process and begin counting ballots in a 30-day window preceding the day of an election;

(4) permitting drive-up, car window collection of ballots by election officials;

(5) extending the time for municipal clerks to process and count ballots;

and

(6) extending voting hours on the day of an election.

(b) For any temporary elections procedure the Secretary of State orders or permits under this section, the Secretary shall adopt any necessary corresponding procedures that ensure the public can monitor polling places and the counting of votes.

Sec. 4. 2020 LOCAL ELECTIONS BY AUSTRALIAN BALLOT

(a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality, in the year 2020,

any municipality may apply the Australian ballot system to any or all of its municipal elections held in the year 2020 by vote of its legislative body.

(b) The Secretary of State may waive statutory deadlines or other statutory provisions, or provisions set forth in a school district's articles of agreement, related to a municipal election as necessary in order for a municipality to apply the Australian ballot system to its meeting in the year 2020. This waiver authority applies to statutory provisions set forth in a municipal charter or provisions set forth in a school district's articles of agreement if the waiver is requested by that municipality.

* * * Open Meeting Law * * *

Sec. 5. LEGISLATIVE INTENT; COVID-19 RESPONSE AND OPEN
MEETINGS

It is the intent of the General Assembly that during the continued spread of coronavirus disease 2019 (COVID-19) in the State of Vermont public bodies should organize and hold open meetings in a manner that will protect the health and welfare of the public while providing access to the operations of government. Public bodies should meet electronically and provide the public with electronic access to meetings in lieu of a designated physical location. Accordingly, this act sets forth temporary Open Meeting Law procedures in response to COVID-19.

Sec. 6. OPEN MEETING LAW; TEMPORARY SUSPENSION OF
DESIGNATED PHYSICAL MEETING LOCATION
REQUIREMENTS

(a) Notwithstanding 1 V.S.A. § 312(a), during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19:

(1) a quorum or more of the members of a public body may attend a regular, special, or emergency meeting by electronic or other means without being physically present at a designated meeting location;

(2) the public body shall not be required to designate a physical meeting location where the public may attend; and

(3) the members and staff of the public body shall not be required to be physically present at a designated meeting location.

(b) When the public body meets electronically under subsection (a) of this section, the public body shall use technology that permits the attendance of the public through electronic or other means. The public body shall allow the public to access the meeting by telephone whenever feasible. The public body shall post information on how the public may access meetings electronically and shall include this information in the published agenda for each meeting. Unless unusual circumstances make it impossible for them to do so, the legislative body of each municipality and each school board shall record its meetings held pursuant to this section.

(c) In the event of a staffing shortage during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a public body may extend the time limit for the posting of minutes prescribed in 1 V.S.A. § 312(b)(2) to not more than 10 days from the date of the meeting.

Sec. 7. DEPARTMENT OF FISH AND WILDLIFE; FISH AND WILDLIFE
BOARD; MEETING REQUIREMENTS IN THE YEAR 2020

In the year 2020, the Department of Fish and Wildlife and the Fish and Wildlife Board shall not be required to hold the number of regional meetings as required by 10 V.S.A. §§ 4081(f) (deer) and 4082(b) and (c) (migratory bird and moose), but shall be required to hold not less than five meetings by electronic means to ensure adequate public involvement.

* * * Deadlines for Municipal Corporations and

Other Political Subdivisions * * *

Sec. 8. EXTENSION OF DEADLINES APPLICABLE TO MUNICIPAL
CORPORATIONS AND REGIONAL PLANNING COMMISSIONS;
CONTINUED VALIDITY OF LICENSES AND PLANS

(a) During a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, the Governor may authorize State agencies to extend any deadline applicable to municipal corporations or regional planning commissions. A deadline established by statute shall not be extended to more than 90 days after the date that the declared state of emergency ends. Any expiring license,

permit, program, or plan issued to a municipal corporation or regional planning commission that is due to a State agency for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

(b) During a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19, a municipal corporation shall be permitted to extend any deadline applicable to municipal corporations, provided that the deadline does not relate to a State license, permit, program, or plan subject to subsection (a) of this section. A municipal corporation may extend or waive deadlines applicable to licenses, permits, programs, or plans issued by a municipal corporation. Any expiring license, permit, program, or plan issued by a municipal corporation that is due to the municipal corporation for renewal or review shall remain valid for 90 days after the date that the declared state of emergency ends.

Sec. 9. TEMPORARY MORATORIUM ON DISCONNECTIONS FROM
PUBLIC DRINKING WATER AND WASTEWATER SYSTEMS

(a) Notwithstanding 24 V.S.A. chapter 129, a municipality shall be prohibited from disconnecting a person from water or sewer services during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

(b) Notwithstanding any provision of law to the contrary, a person who is permitted as a public water system pursuant to 10 V.S.A. chapter 56 and who provides another person water as a part of the operation of that public water system shall be prohibited from disconnecting any person from the public

water system during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

(c) Notwithstanding any provision of law to the contrary, a company engaged in the collecting, sale, and distribution of water for domestic, industrial, business, or fire protection purposes that is regulated by the Public Utility Commission under 30 V.S.A. § 203(3) shall be prohibited from disconnecting any person from services during a declared state of emergency under 20 V.S.A. chapter 1 due to COVID-19.

(d) A violation of subsection (a) or (b) of this section may be enforced by the Agency of Natural Resources pursuant to 10 V.S.A. chapter 201. A violation of subsection (c) of this section may be enforced by the Public Utility Commission under 30 V.S.A. § 30.

* * * Effective Date * * *

Sec. 10. EFFECTIVE DATE

This act shall take effect on passage.