

# Opinions

Office of the Vermont Secretary of State



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## A Message from the Secretary



This past month I have had the honor and privilege to be elected president of the National Association of Secretaries of State (NASS).

Over the years I have been greatly impressed with my peers from around the country. Although we have different backgrounds and operate in very different political and cultural contexts, most Secretaries share a deep commitment to public service. I am looking forward to serving as their president.

This will be an exciting and challenging year. With an election around the corner, and the first real test of the reforms of the Help America Vote Act, there will be continued scrutiny of our national election systems.

This heightened focus on election administration can be uncomfortable for those of us who are responsible for running the elections - but I believe that it is healthy for our democracy. It brings more people into the discussion. It requires us to take a fresh look at how we operate, pushing us to consider new, and possibly better, approaches.

As president of NASS I look forward to sharing Vermont's successes. Our voters have confidence in Vermont's elections. Turnout is strong, our error rate is low, and we only rarely see contested elections. Vermont voters have faith in the integrity of our elections in large part because elections are run by people they know. Our elections are administered using a system of multi-partisan checks and balances, and we have laws in place that guarantee transparency and accountability at every stage in the process.

Vermont's success is grounded in the close relationship the Secretary of State's Office has had with the town clerks and local elections officials. The constant give and take between

my office and yours ensures that when election day comes around we are all prepared. Our success in meeting the deadlines and the requirements of the Help America Vote Act, without wasting millions of dollars and creating unnecessary bureaucracy, was the result of efforts of many clerks as well as other stakeholders who participated on advisory committees and served as guinea pigs as we tested new technology.

I am excited about the challenges and opportunities that the NASS presidency will present. During this next year I look forward to being a positive national voice for enhancing our democracy by ensuring voter confidence in the administration of our elections.

Deborah L. Markowitz, Secretary of State

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# Voice from the Vault

By Gregory Sanford, State Archivist

## Poison Ivy, Cabs, and the Need for Planning

Recently I was watching my daughter's boyfriend Eli contort himself into a series of one legged positions reminiscent of the training scenes from *The Karate Kid*. That he was doing so while staring at his new cell phone encouraged me to risk asking a stupid adult question about what, exactly, he was doing. It turned out he was using his phone to take pictures of his foot, which had become infected from an encounter with poison ivy. The infection had reached the point that it was, apparently, worthy of capture and distribution as a digital image. This made perfect sense to my inner teenager.

To my inner archivist, however, this gave pause. As I noted in my January 2006 column I try to keep pace of technological change by observing my teenage daughters and their friends. It was such observations, for example, that gave me my first inkling that CDs would be superseded by iPods. That Eli could be using a "phone" that easily fit into his shirt pocket to create and transmit digital images provided another archival epiphany.

Actually, it inspired several archival epiphanies, all more or less depressing, but for the purposes of this column let me focus on how transportable our digital technology has become. I recently read in the *New York Times* a prediction that desktop computers will soon be replaced by laptops, PDAs/Pocket PCs, mobile phones, and other more portable devices. After all, why tether employees to a workstation when they can easily wander about with vast, and growing, amounts of computing power and memory?



One study I read estimated that mobile computing devices have a standard memory of capacity of 80 megabytes that can store the equivalent of 6,000 Word documents, 720,000 e-mails, 360,000 contact details, or 7,200 pictures. Of course these devices are not always as mobile as the people who use them.

A recent nine nation survey of leading taxi companies found that tens of thousands of these devices are regularly left in cabs. In Chicago alone, taxi drivers reported discovering, in a six month period, 85,619 mobile phones, 21,460 PDAs/Pocket PCs, and 4,425 laptops left behind by passengers (these figures are from a study sponsored by Pointsec Mobile Technologies).

Combining highly mobile technologies with human frailty can be dangerous. In the first six months of this year 93 cases of significant data loss, affecting more than 32 million individuals, have been reported (<http://www.idtheftcenter.org/breaches/pdf>). Thirty-five percent of the incidents involved educational institutions, 23% concerned government, 19% general business; 11% health care facilities or companies; and 12% involved banking, credit or financial services entities. The most spectacular incident was of the theft of a laptop from the home of an employee of the U.S. Department of Veterans Affairs that exposed personal information on 26.5 million veterans (the laptop has since been recovered). In Vermont a laptop stolen from an employee's car contained six years' worth of personal and financial information on an estimated 20,000 employees and students of the state college system.

The Vermont legislature responded to growing concerns about identity theft by passing Act 162, An Act Relating to the Protection of Personal Information. But beyond legal responses the growing threats to personal information embedded in our faster, smaller, more mobile computing and telecommunications devices reinforces the need for sustained planning. In this case, what cost/benefit and risk management assessments should be considered before embracing these mobile devices? What security measures need to be in place before your most sensitive data and documents head out the door?

I recently discovered that my continued cautions about planning are about as welcome as poison ivy. I attended a rather depressing, to me, meeting in which several municipal clerks argued that planning was too time consuming and that implementing information technology should be as simple as identifying a software package and vendor and



# Opinions of Opinions



**1. Citizen who wishes to be added to the checklist cannot refuse to take the voter's oath.** When courts struck down Vermont's durational residency requirement as unconstitutional, the court found that the constitutional requirement to take the voter's oath was fine. A voter only needs to take the oath once, but each citizen must take it before being added to the checklist for the first time in Vermont. (If you move to another town in Vermont, you do not need to take the oath again.)

**2. Public gatherings of over 2,000 require state permit.** The organizers of a commercial public event or gathering expecting 2,000 or more attendees must apply for a permit from the Department of Public Safety at least 30 days before the event is held. The Department of Public Safety may grant the permit, deny the permit, or grant the permit with conditions, such as providing a bond or other financial security. If a town wants to regulate smaller assemblies, the town needs to enact local ordinances or regulations. 20 V.S.A. § 4501.

**3. Accounts as kept by the town treasurer shall be available for inspection.** If a citizen has questions about town expenditures, he or she can visit the treasurer's office and review the accounts kept by the Treasurer. 24 V.S.A. § 1571.

**4. Town manager's contract is public record.** Although a contract may be exempt from disclosure while it is being negotiated, once it is signed by the parties it is a public record. The fact that it is a personnel contract does not make it exempt from disclosure since only personal information is exempt from disclosure (such as social security numbers, information related to medical conditions, etc . . .) 1 V.S.A. § 317 (c) (15). *Trombley v. Bellows Falls*, 160 Vt. 101 (1993).

**5. Selectboard must show harm from premature disclosure before going into executive session to discuss contract with public official.** The courts have held that in order for a board to go into executive session to discuss a collective bargaining agreement or a contract with a town employee it must make a showing that premature knowledge of the negotiations would cause harm to the town. 1 V.S.A. § 316 (a) (1); *Berlickij v. Town of Castleton*, 327 F. Supp. 2d 371 (D. Vt. 2004).

**6. Each town party chair is entitled to one free copy of the town checklist during the 30 days prior to an election.** 17 V.S.A. §2141. Also any person can request a copy of the town checklist which must be provided at cost. Whether a campaign person or a salesman, the checklist is a public record that can be obtained upon request and payment of the established fee. As campaigning increases as the elections draw nearer, you may receive more requests for checklists. You are not obligated to provide the checklist sorted by street address. Your only obligation is to provide the name and address of each voter on the checklist upon payment of the fee.

**7. Village voters are not required to register in both the town and village.** A village clerk shall automatically include all voters living within the village who are on the town checklist. 17 V.S.A. §2126. There is no need for the voter to apply separately to the village clerk.

**8. BCA members all have same general authority.** Although the selectboard and town clerk become members of the board of civil authority by virtue of their election, each member of the BCA has the same basic duties and responsibilities on the BCA. One exception to this rule is that a selectboard member may call a meeting of the board. 24 V.S.A. § 801. Any member can be elected chair of the board by the members, and each member participates equally in decisions of the board.

**9. Person with two offices only has one vote on BCA.** When a person is elected both as a selectboard member and as a justice of the peace, that person is only entitled to one vote on the board of civil authority. The number of board members on the full board is also reduced by one for purposes of calculating a quorum. For example, if a town normally has a BCA made up of five selectboard members, 15 justices and a town clerk, the board would be 21 members and a quorum for other than election purposes would be 11. If, however, in the same town, two selectboard members were also elected justices of the peace, the board would be 19 members and a quorum for other than election purposes would be 10. A person cannot cast two votes by virtue of being elected to two different offices. NOTE: For tax appeals, at least three members must be present and then decisions can be made by majority vote of the board members present.

**10. Appointed BCA members have same election responsibilities as other BCA members.** Members of the board of civil authority who were added to the BCA by the selectboard to increase representation for an underrepresented party have the same duties and authority with respect to elections as have other members of the board, including participation in the legislative reapportionment meetings and decision every 10 years. (17 V.S.A. §2143 and §§1891-1909) Members so appointed have no authority with respect to functions of the board of civil authority which are not related to elections, such as property tax appeals or tax abatement hearings or performing marriages.

**11. Reserve funds are under the direction and control of the selectboard.** If a town has established a reserve fund for a special purpose, such as a reserve fund for highway equipment, the statute provides that the reserve fund is to be under the control and direction of the legislative body (selectboard or school board). 17 V.S.A. §2804 Once a reserve fund is established and funded by town vote, the board may expend the funds for such purposes for which the fund was established without another town vote. If the legislative body wants to spend those reserve funds for any other purpose, then the spending must be authorized by a majority of voters at an annual or special meeting.

**12. BCA must take oath before hearing appeals.** The statute requires that the members take the oath before entering upon their duties under 32 V.S.A. § 4404. The required oath for members of the board of civil authority who will be hearing tax appeals is found in 32 V.S.A. §4405. Board members must take the oath before beginning its tax appeal hearings.

**13. Justice of the peace nominations are in September.** On or before September 5, 2006, justices of the peace may be nominated by major or minor party caucus. If the caucus fails to meet, JPs may be nominated by major or minor party committee or an individual may submit a petition between September 8 and 5:00 p.m. on September 15 as an Independent to the town clerk to be placed on the ballot for the general election. 17 V.S.A. §2413. The Elections Division has sent a memorandum to each town clerk and all organized parties in Vermont outlining the procedures for nomination of justices of the peace. Generally, the major parties set a date for all town caucuses at the end of August (the caucuses must meet before the first Tuesday in September). Each party can nominate a full slate of justices of the peace (as many JPs as your town has voted to elect). Historically, some town major party committees have had a “gentlemen’s agreement” to only nominate one-half the number of JPs. Note that this practice is NOT legally required and is not a binding agreement. Town party committee chairs and party members should call state party officials for more information about nomination of justices of the peace.

**14. Governor fills vacancies in the office of justice of the peace.** Whenever a vacancy occurs for a justice of the peace, whether by death or resignation, the town party chair for the party that has lost a justice or the town clerk (for independents) must notify the Office of the Governor. 17 V.S.A. §2623. The town committee of that party (after a properly warned meeting) may then submit one or more recommendations to the governor as to a successor. However, the Governor may appoint any qualified person to fill the vacancy for the remaining portion of the term.



**15. Election related surveys must stay out of the polling place.** Exit polls, questionnaires, or surveys can only be handed out and completed outside the building containing the polling place, even if the survey is sponsored by the selectboard. 17 V.S.A. §2508. Even though it may be helpful in planning for the future, questions relating to the subjects of an election must be asked and answered outside the polling place.

**16. Most candidates are prohibited from serving as an election official.** No candidate shall serve as an election official in any election in which his or her name appears in a contested race (more than one candidate) for that office, unless the office is a town clerk, clerk-treasurer, moderator, justice of the peace, ward clerk or inspector of elections (an office in which being an election official is an integral part of the responsibilities of office). 17 V.S.A. §2456. In addition, any candidate disqualified to serve as an election official and any spouse, parent or child of such candidate, cannot deliver absentee ballots. 17 V.S.A. §2538 (a).

**17. The BCA may appoint assistant election officials to work on election day.** If there are not going to be enough members of the board of civil authority available to staff the polling places, then prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each district to serve as assistant election officials in each polling place. 17 V.S.A. §2454. The board shall make an effort to appoint an equal number of legal voters of the town (and district) from each major party. These election officials must be sworn in before undertaking any election activity. Elections Perspectives 2006 contains the oath.

**18. Assistant election workers may be 16 years old or older.** In order to encourage more young people to get involved in our elections, Vermont law was changed to permit young people to serve as assistant election workers. The BCA may appoint individuals who are 16 or 17 years old to help out at the polls. Youth assistant elections officers shall have the same duties as adult assistant elections officers but shall work under the direct supervision of adult elections officials. 17 V.S.A. § 2454.

**19. Towns may provide free concerts.** You might be surprised to know that there is a specific statute that empowers communities to use town funds for community concerts. 31 V.S.A. § 204 provides that “a municipality may appropriate such sums of money not exceeding five percent of its grand list, when the grand list of such municipality does not exceed \$20,000.00, and a sum not to exceed three percent of the grand list of such municipality, when the grand list exceeds \$20,000.00, to pay the expenses of free musical entertainments, to be held within its limits, at such times and places as is directed by such vote.” From the grand list numbers included in the statute you can tell that this is a very old law!

**20. Selectboard may adopt own rules of procedure.** Although Vermont law requires school boards to use Roberts Rules of Order, no law specifies what rules of order must be followed by selectboards. This means that boards can choose to use Roberts, they can use a modified version of Roberts or they can choose to use some other established rules of order or create their own rules.

**21. We recommend that boards using Roberts use Roberts for Small Boards.** Because Roberts Rules of Order was created for larger assemblies not all of the rules make sense for our municipal boards. For example, in boards with only three or five members it makes sense to allow every member to participate. The chair should

not have to stay out of the discussions. The newer versions of Roberts Rules of Order include a modified set of rules that could apply to smaller boards. We recommend that municipal boards that use Roberts Rules of Order use the rules established for small boards.

**22. Selectboard may shift spending.** In towns where the voters vote the bottom line of the budget, we believe that the selectboard has the authority to diverge from the specific budget items contained in the budget proposal so long as it does not go over the bottom line amount appropriated by the voters. This means that if the board decides the zoning office needs a new photocopier, it might shift money from the recreation budget. Of course, the board may not use highway funds for non-highway purposes. In addition, we believe that a court would not permit the board to reduce the amounts voted to be paid as salary to the town clerk and treasurer or other elected officials, even if these amounts were incorporated into the overall budget of the town (and not separately voted.) 17 V.S.A. § 2664; 19 V.S.A. § 312.

**23. Lister’s spouse may not sit on tax appeals.** A member of the BCA who is married to a town lister may not participate in hearing any tax appeals. Remember that a tax appeal is an appeal of the listers’ decisions. It would be a conflict of interest for this BCA member to serve even if the BCA believed he or she could be impartial. 12 V.S.A. § 61. Board members must also step down from any appeal that involves a relative, by blood or marriage, who is a first cousin, niece, nephew, aunt, uncle, parent, grandparent, or sibling. Although the law is not specific, BCA members should take care to avoid the appearance of a conflict by stepping aside when former business partners, friends or enemies appeal their taxes, or any situation in which the member might not be able to render a decision squarely on the evidence and the merits, leaving all personal considerations aside.

**24. Only three members of the BCA need to sit on any one appeal.** A quorum of the board of civil authority as well as the number needed to make a decision (or take action) is set by specific authority in 24 V.S.A. § 801 where it states that “the act of a majority of the board present at the meeting shall be treated as the act of the board...” (except in election issues when 17 V.S.A. § 2103(5) controls). This means that any number of board members (although never less than three, as three are needed for the inspection committee) that attend a duly warned meeting for a tax appeal can take action and make a decision. This rule permits a BCA who is faced with many appeals to split up into groups of three to hold hearings and make decisions in individual cases.

**25. Cost of appealing BCA decision to PVR has been increased to \$70.** Effective July 1<sup>st</sup> of this year, the costs of filing an appeal from a decision of the board of civil authority to the Director of Property Valuation and Review has changed. The filing fee has gone from \$30 to \$70. Act 202, Section 8.



**26. Town library trustees set the salary and terms of employment for library staff.** Town library trustees have the “full power to manage” the library. 22 V.S.A. § 142. The Vermont Supreme Court has made it clear that this authority includes the ability to control the library’s budget and employees. This means that, despite the selectboard’s authority to establish personnel policies for town employees, and despite the fact that the library employees are town employees, the library trustees have the authority to set the salaries and terms of employment (such as work hours and leave time) for the library employees. *Hartford Board of Library Trustees v. Town of Hartford*; 174 Vt. 598 (2002).

**27. Boards may deliberate in private if decision is in writing.** Deliberations of a quasi-judicial board may be held outside of an open meeting if the decision will be in writing. If the written decision is not public record then the decision needs to be made in open meeting. A quasi-judicial proceeding is a “case in which the legal rights of one or

more persons who are granted party status are adjudicated, which is conducted in such a way that all parties have opportunity to present evidence and to cross-examine witnesses presented by other parties, which results in a written decision, and the result of which is appealable by a party to a higher authority.” 1 V.S.A. §§ 310 (5); 312(e) and (f).

**28. Board can meet in home so long as public are invited.** No law requires meetings of municipal board to be held in a public building. However, the law requires that meetings of board be “open to the public” (except when it is a deliberation in a quasi-judicial matter.) 1 V.S.A. § 312(a). A board may meet in a private home – so long as the public is welcome to join them there.

**29. Appointment discussions can be made in executive session.** The law permits a board to discuss “the appointment or employment or evaluation of a public officer or employee” in executive session. 1 V.S.A. section 313 (3). Because elected and appointed officials are public officers, the selectboard can go into executive session to consider various applicants for appointment to fill vacancies, or for appointment to town boards. Although the discussion and a straw vote may be taken in the executive session, the actual votes must be taken in the open meeting so that the public can see how board members have voted, and those votes must be reflected in the minutes of the meeting.

*In our monthly Opinions we provide what we believe the law requires based upon our legal judgment, years of observing Vermont’s local government practices, and Vermont Court decisions. This information is intended as a reference guide only and should not replace the advice of legal counsel.*

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## On the Road to the Election

by Janel Johnson, Civics Outreach Coordinator

### Election Stickers Available for 2006

The Secretary of State's Office has ordered a variety of stickers for your use in the upcoming election season. Please take a look at the choices below and then watch for your order form in the mail.



In addition to the election stickers, we have the popular **Your Vote is Your Voice** bumper stickers and pins for you to give away to voters. Once again this year, you can order a t-shirt that has the **Your Vote is Your Voice** message on it that we suggest you wear during organized voter registration drives in your community. New this year are red water bottles with the same message! If you wish to receive a water bottle or know of someone in your town deserving of one who is actively registering voters please contact Janel Johnson at [jjohnson@sec.state.vt.us](mailto:jjohnson@sec.state.vt.us) or by telephone at (802) 828-1296. Thanks.



# Tip of the Month

*Our tip this month comes from Donna Kinville of South Burlington :*

Since the checklist is now maintained on the statewide list and clerks no longer receive the pink slips, we must rely on fellow clerks to correctly notify us if someone registers in their town. One of the best ways to be sure if someone should be taken off another town, even if they didn't list that town on their application, is to match up names with dates of birth. Unfortunately, the majority of voters who have been on South Burlington's checklist for many years do not have their date of birth entered into the computer. At our annual meeting, I decided to ask voters whose dates of birth were missing to voluntarily give us the information. I put together a short flyer that explained why we were asking for the information and explaining that it was voluntary. Amazingly, it went off very smoothly with very little questioning.

If you have a good tip that you would like to share with our readers please email it to Clyde Jenne at [hartlandvtclerk@vermontel.net](mailto:hartlandvtclerk@vermontel.net) or mail it to:

Clyde Jenne - VMCTA President  
P.O. Box 349  
Hartland, VT 05048

## Mark Your Calendar with the Vermont League of Cities and Towns' Upcoming Events!

For more information, go to [www.vlct.org](http://www.vlct.org), email [info@vlct.org](mailto:info@vlct.org) or call 800/649-7915.

**Green Mountain Payroll Conference** - September 21, 2006  
**Event Sponsor:** Green Mountain Payroll Association  
**Location:** Capitol Plaza Hotel, Montpelier  
**Time:** 8:00 AM  
**Cost:** \$85.00  
Contact: Janis Blais  
Phone: 802-229-3457  
Web Site: [www.greenmountainpayroll.netfirms.com](http://www.greenmountainpayroll.netfirms.com)



The Green Mountain Payroll Association is hosting a statewide payroll conference. Please join us for a day filled with opportunities to attend educational sessions focusing on the payroll and human resource professions. There will also be opportunities to network with other payroll professionals.

First come, first served. Registration limited to 100. If registration is received after August 9th, there will be an additional \$10.00 fee. After the last session, a 2007 Green Mountain Payroll Association membership will be raffled. You must be present to win.

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# August 2006 Calendar

## August 3 (Thursday)

Last day for clerks to request additional ballots for the Primary Election, due to unusual growth of the checklist (at least 40 days before the election). 17 V.S.A. § 2478(d)

Last day for the board of civil authority to divide the checklist and designate polling places with the town or city (at least 40 days before the election). 17 V.S.A. § 2501(a) and (b)

Candidates for statewide offices, state senatorial candidates, state representatives, state political parties, and political committees who have made expenditures or received contributions of \$500.00 or more must file campaign finance reports with the secretary of state 40 days before the primary. 17 V.S.A. § 2811(a)(1). Candidates for the state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

## August 8 (Tuesday)

Town clerks receive at least five copies of the warning and notice for each polling place in the town (at least five days before they must be posted). Blanks should be filled in on each warning by the town clerk, listing the polling place, address and the time polls open in each town. 17 V.S.A. § 2521(b)

## August 13 (Sunday)

Last day for posting the warning and notice for the primary (30 days before the election). 17 V.S.A. § 2521(a) The checklist must also be posted in two or more public places in the town in addition to being posted at the town clerk's office in towns with over 5,000 population. In towns with less than 5,000 population, the checklist must only be posted one place in addition to the clerk's office. 17 V.S.A. §§ 2141, 2521(a). In towns that divide their checklist, that portion of the checklist that applies to the district should be posted in each district.

## August 14 (Monday)

Town clerks must receive primary ballots (not later than 30 days before the election). Clerks should store the ballots, except those used for sample ballots and early or absentee ballots, in a secure location until the date of the election. They must return receipts for ballots to the secretary of state as soon as possible. 17 V.S.A. §§ 2479, 2103(13)

## August 15 (Tuesday)

Last day for town clerk to electronically transmit a copy of the grand list, tax rates, and assessed tax amount to the Director of Property Valuation and Review. 32:5404(b)

## August 16 (Wednesday)

Bennington Battle Day - 1:371

## August 23 (Wednesday)

Last day for town clerks to post sample ballots (for the primary election) in the same places that have previously posted copies of the warning, notice, and checklist (twenty days before primary). 17 V.S.A. §2522(a)

## August 25 (Friday)

Candidates for state office, state senate, state representative, political parties, and political committees, who have made expenditures or received contributions of \$500.00 or more must file campaign finance reports with the secretary of state by 5:00 p.m. 17 V.S.A. §§ 2811(a)(1), 2103(13) (25<sup>th</sup> of each month.) Candidates for the state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

## August 29 (Tuesday)

Last day to post notice (in three public places) of party caucus to nominate candidates for justice of the peace. 17 V.S.A. § 2413 (d)

Last day for U.S. Congressional candidates to file FEC 12-day pre-primary reports. (July 1-Aug. 24), 2 U.S.C. § 434(a)(2)



# September 2006 ELECTION Calendar

## **September 2 (Thursday)**

Last day for political parties in towns of population more than 1,000 to publish notice of caucus to nominate candidates for justice of the peace in a newspaper having general circulation in the town. 17 V.S.A. § 2413(d)

Voting machines must be tested using official ballots that are clearly marked “test ballots” (at least ten days before the election). 17 V.S.A. §2493(b)

## **September 4 (Monday)**

Labor Day. 1:371

## **September 5 (Tuesday)**

Last day, until noon, to apply for addition to the checklist to vote in the primary. Clerks’ offices must be kept open from 10:00 a.m. to 12:00 noon to receive applications. 17 V.S.A. §§ 2144(a) and (b), 2103(13)

Last day for town clerks to receive a simultaneous request for an application for addition to the checklist accompanying an early or absentee ballot request. 17 V.S.A. §§ 2532(b) and (c), 2103(13)

Last day for people who are not eligible to register by this date but who will be by election day to file a written notice of intent to apply with the town clerk and to apply for an early or absentee ballot. 17 V.S.A. §§ 2144(b) and (c), 2103(13)

Last day for candidates for county office (probate judge, assistant judges, state’s attorneys, sheriffs, high bailiff and justice of the peace) to file ten-day pre-primary campaign finance reports with the county clerk with whom nomination papers were filed. If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17 V.S.A. §§ 2811, 2821, 2831 and 2103(13)

During the eight days immediately preceding and on election day, the clerk shall divide the list of ill and physically disabled early or absentee voters into as many equal parts as there are pairs of designated justices, and deliver those lists to the justices, together with early or absentee ballots and envelopes. 17 V.S.A. §§ 2538(b), 2103(13)

On or before the first Tuesday in September, upon the call of the town committee, party members in town may meet and nominate candidates for justice of the peace. 17 V.S.A. § 2413 If no caucus is held, the town committee meets and nominates candidates for justice of the peace. 17 V.S.A. § 2381(a)(3)

## **September 7 (Thursday)**

Last day for town clerk to forward to the Board of Civil Authority a list of voters added to the checklist (at least five days before election). 17 V.S.A. § 2144b(d)

## **September 8 (Friday)**

First day for independent and minor political party candidates, nominees of major parties that have failed to nominate candidates in the primary, and candidates for the office of justice of the peace to file statements of nomination with the appropriate filing officer (not more than 60 days before the general election). 17 V.S.A. § 2386

## **September 9 (Saturday)**

Last day for the board of civil authority to designate pairs of justices of the peace, assuring political balance, to deliver early or absentee ballots to ill and physically disabled voters. 17 V.S.A. § 2538(a)

## **September 11 (Monday)**

Voters, family members, authorized persons, or health care providers may request early or absentee ballots until 5:00 p.m. or the closing of the town clerk’s office on this day. 17 V.S.A. § 2531(a) Clerks must make a list of early or absentee voters available upon request in their offices. 17 V.S.A. § 2534

The presiding officer of each polling place must also post a copy of the warning and notice, sample ballots and the current checklist in a conspicuous place in each polling place before the polls open on election day. 17 V.S.A. § 2523(a)

The presiding officer shall also ensure that signs informing voters of procedures for depositing ballots are placed on or near the ballot boxes before the polls open on election day. 17 V.S.A. § 2523(b)

**SEPTEMBER 12 (Tuesday) - PRIMARY ELECTION DAY**

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. 17 V.S.A. § 2351

Clerks must make a list of all early or absentee voters available upon request in each polling place as soon as it opens. 17 V.S.A. § 2534

**September 13 (Wednesday)**

Representative district canvassing committees for single town districts meet at 10:00 a.m. to tally returns. 17 V.S.A. § 2368

**PLEASE OVERNIGHT YOUR OFFICIAL RETURNS (ORV) to the Office of the Secretary of State, 26 Terrace Street, Montpelier, VT 05609-1101.** We must data enter all results on Friday, Saturday, and Sunday in order to have the Statewide Canvassing Report for 10 a.m. on Tuesday.

**September 14 (Thursday)**

In a manner prescribed by the Secretary of State and within 48 hours of the close of the polls, the town clerk shall deliver one certified copy of the official return of vote to the secretary of state, representative district clerk, senatorial district clerk and county clerk. 17 V.S.A. § 2588

**September 15 (Friday)**

Representative district canvassing committees in multi-town districts, and canvassing committees for state senator and county offices meet at 10:00 a.m. to tally returns. 17 V.S.A. § 2368

Last day for canvassing committees in single town districts to prepare and sign certificates of nomination and mail or deliver in person to each candidate nominated a notice of nomination. 17 V.S.A. § 2371(a)

Last day for validly nominated candidates to withdraw their names from the ballot by filing a written notice with the town clerk in the case of a justice of the peace, or with the secretary of state in the case of all other offices (third day following the primary). 17 V.S.A. § 2412

Last day for independent and minor political party candidates, nominees of major parties that have failed to nominate candidates in the primary, and candidates for the office of justice of the peace to file statements of nomination with the appropriate filing officer (third day following the primary election). 17 V.S.A. § 2386

Canvassing committee for single member district must also file with the secretary of state a list (the “canvassing report”) showing the vote for each candidate of each party for each office. 17 V.S.A. § 2371(a)

**September 18 (Monday)**

Last day for canvassing committees in multi-town representative districts and for countywide offices and for state senator to prepare and sign certificates of nomination and mail or deliver in person to each candidate nominated a notice of his or her nomination. 17 V.S.A. §§ 2371(a), 2103(13).

**September 19 (Tuesday)**

Canvassing committees for statewide and congressional offices meet at 10:00 a.m. to tally returns (one week after the primary) 17 V.S.A. § 2368

Last day for candidates nominated by party caucus to fill vacancies caused by the withdrawal or removal of a candidate to file statements with the secretary of state. 17 V.S.A. § 2386

**September 20 (Wednesday)**

Within five days of the date of mailing or personal delivery of a statement of nomination to a candidate for state representative from a single town district, that 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, as well as choosing which party affiliation will be listed if the candidate was nominated by more than one party. 17 V.S.A. §§ 2371(b), 2474

**September 22 (Friday)**

Last day for a losing candidate to request a recount (within 10 days after the election). 17 V.S.A. § 2602(b)

Last day that a candidate nominated by more than one political party for the same office may elect the party or parties in which the nominee will be a candidate (2<sup>nd</sup> Friday following primary). The nominee shall notify the Secretary of State or town clerk, as the case may be, of such choice. 17 V.S.A. §2474

Last day for persons nominated by any means for the same office by more than one political party to elect the party or parties for which they will be candidates (2<sup>nd</sup> Friday following the Primary Election). 17 V.S.A. § 2474(a)

**September 25 (Monday)**

Last day that a candidate for county office (probate judge, assistant judge, state’s attorney, sheriff, high bailiff and justice of the peace), state senator, or state representative from a multi-town district 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 (within five days of mailing of certificates). 17 V.S.A. §§ 2371(b)

Candidates for state office, state senate, state representative, political parties, and political committees, who have made expenditures or received contributions of \$500.00 or more must file campaign finance reports with the secretary of state by 5:00 p.m. 17 V.S.A. §§ 2103(13), 2811(a)(1). (25<sup>th</sup> of each month.) Candidates for the state senator or state representative must also file such reports with the clerk of the candidates’ respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

**September 27 (Wednesday)**

Last day that a legal voter may contest the results of the primary election (within 15 days after the election). 17 V.S.A. § 2603(c)

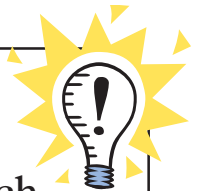
**September 28 (Thursday)**

Last day for clerks to request additional ballots for the General Election, due to unusual growth of the checklist. 17 V.S.A. § 2478(d)

Last day for the board of civil authority to divide the checklist and designate polling places for the general election. 17 V.S.A. § 2501(a)

Last day for party committees to nominate a candidate due to the death or withdrawal of a candidate after the Primary Election. The party committee has seven days from the date of withdrawal of a candidate. 17 V.S.A. §2386(b)

# Quote of the Month



There are no great people in this world, only great challenges which ordinary people rise to meet.

- *William Frederick Halsey, Jr.*

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April 2006

Office of the Vermont Secretary of State

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