



Opinions

Office of the Vermont Secretary of State

Vol. 10, #3

March 2008

2008 Town Officers' Educational Conferences

March 24
St. Michael's College, Colchester

April 10
Lyndon State College

April 16
Holiday Inn, Rutland

April 24
Lake Morey Inn, Fairlee

April 30
Grand Summit Lodge, Mount Snow

See page 8 for more information.

Quote of the Month

Government is too big and too important to be left to the politicians.

Charles Bowles

In this Issue

Quote of the Month.....	1
Voice from the Vault.....	2
Civics Behind the Scenes.....	3
Opinions of Opinions.....	4
Tip of the Month.....	6
After Town Meeting.....	7
Upcoming Events.....	8
Municipal Calendar.....	9

A Message from the Secretary

In Vermont we are proud of our town meeting tradition. We are proud that we are one of only a few states that still holds a meeting of the voters to decide local budgets, elect municipal officers and decide questions of importance to our communities. Indeed, it is easy to idealize a system of democracy in which people have a direct voice in local decisions; where we still gather together to debate issues, come to compromises and vote by saying aye or nay.



Town meeting works best when a broad cross-section of the community participates: old and young, long time residents and newcomers, men and women, workers, farmers, business owners, retired people and so on. It is the moderator's job to help ensure that many different voices are heard at the meeting. And yet, for some people, speaking in public is a barrier to participation at town meeting.

For most people it takes many years behind a microphone to become comfortable with public speaking. I can remember my own first experience speaking before an audience. I was barely 20 and a junior at the University of Vermont. My work study job was assisting the university's chaplain who was putting together a conference entitled "The Future of Women in Religion." On the day of the big event one of the speakers cancelled, and because I had just done a report on her book, I was asked to take her place on the panel. I can still remember how sick I felt waiting for my turn to speak, and the wash of relief as I finished my remarks and sat back down (having no recollection at all of what I had just said).

Now, years later, after many hundred trips to the podium I speak with confidence; without even a flutter of butterflies in my stomach. But whenever I see a person come to the microphone with trembling hands or a tremor in his or her voice, I am transported back to the UVM auditorium where I first spoke.

This town meeting, many of the people who speak out will do so with confidence, feeling entitled to their place behind the microphone. But for others it will be an act of bravery, and the nervousness of the speaker might mean that the remark is less articulate in style or in substance.

A good town moderator will find a way to encourage new and nervous speakers, and will find ways to ensure that their comments are understood. But all of us can play a role in making it easier for people to participate at town meeting. We can urge our neighbors to speak out, and we can show our appreciation to those who do participate – even if we disagree with what they say. This year let's make sure we welcome all of our voters to participate in the conversation!

I hope your Town Meeting Day goes smoothly. But if it doesn't – feel free to call us for help. We will be here to answer your questions from 7:00 a.m. to 7:00 p.m. at 800-439-8683.

Deborah L. Markowitz, Secretary of State

The Right to Know and the Right to Privacy

News coverage of the 2007-2008 legislative session has focused on the usual suspects: health care, energy, our aging transportation infrastructure, campaign finance, etc. A less noted, but nonetheless significant theme of the session is public records. A very cursory search of legislative bills turned up 20 bills relating to public records. Of these, eight address in whole or in part privacy issues and nine address access or disclosure.

This breakdown is an indicator of our ambivalence about records. On one hand we celebrate open records; on the other we worry about the disclosure of personal information within public records.

For example, H.452 (and S.76) proposes “to make available to the public the names of businesses, including dairy farms, registered with the agency of agriculture, food and markets.” S.59 wants to expand the definition of public record to include audio and video tapes and DVDs. H.340 seeks to “permit, for any purpose, public access to criminal conviction records maintained by the Vermont criminal information center.” S.236 would “clarify the manner in which electronically stored information is subject to court proceedings to discovery rules regarding the production of documents and tangible things.”

On the other hand, H.35 seeks to exempt “information revealed by a participant in a counseling session conducted by a law enforcement agency or emergency services employee.” H.335 seeks to “make confidential all reports, records, and other information obtained or produced by the victim’s compensation program during the processing or investigation of a claim.” H.459 would prevent telecommunication companies from selling “subscribers’ personal information, or any other data pertaining to a subscriber, to a third party without the written authorization of the subscriber.” S.246 would “prohibit the courts from allowing the general public to have unlimited electronic access to criminal and family court records.” H.397 wishes to restrict “public access to information contained on a death certificate.” S.220 would protect library patron records.



While many of these bills will not pass, the scope of the topics; their tensions between openness and privacy; and their ad hoc nature demonstrate why public agencies occasionally grapple with understanding access to records requirements. Which public records are open; which are exempt; and which are open but may contain exempt information?

A few bills attempt to step back and take a larger view of public records. H.826 proposes a study on “how the personal information of Vermonters is collected, how such information is used and shared with others, and if the personal privacy interests of Vermonters require additional protection.” S.229 addresses access to records, including actual costs for copies; a public records act review committee to review exemptions to the public records act; and a public records advisory board to offer opinions when access to a public record has been denied.

S.351, a bill near and dear to my heart, takes a different tack by focusing on the effective management of public records. It proposes consolidating the state’s record management program, currently in the Department of Buildings and General Services, under the State Archives within the Office of the Secretary of State. The goal is to create a single, authoritative voice for assisting agencies in the management of their records. Within that goal is the need to provide such assistance from the point of record creation instead of the current system when agencies often seek help in retroactively managing records that have become too voluminous to handle effectively. In a digital world in particular it is impossible to retroactively apply management steps. The federal and the other state governments have recognized the need for consolidated records programs; Vermont is one of 13 states where archival and records management remains administratively fragmented.

I will address S.351, and what it means to you, in future columns. For now, I pose this question: can you articulate a balance between the desire for transparency and access to government information with concerns about personal privacy? I hasten to add that privacy concerns are not limited to public records as the business world constantly seeks to collect and mine data to track consumer trends, target potential customers, evaluate credit ratings, etc. It has often been remarked that a right to privacy is chimerical; there is so much data being collected and shared that privacy no longer exists.

A February 18th opinion piece in the *New York Times*, for example, noted how hard it is to delete voluntarily supplied personal information from Facebook, YouTube and other private sector services. It also noted the reaction to Facebook’s Beacon system that notified users’ friends—without the users’ consent—about online purchases. The piece explained how hard “identity management” is in a networked world and how voluntarily supplied personal information can come back to haunt you.

In terms of public records the rub, as always, is in the details. If you are convicted of a criminal offense have you waived a portion of your right to privacy and your conviction records should be available online? Or does posting the records create a burden on re-integration into

Continued on page 8

2008 - Year of the Youth Vote

The 2008 presidential election is already being described as historic. Mitt Romney is the first Mormon to launch a serious bid for the presidency. If elected, John McCain will be the oldest person ever to do so. And it now appears that the Democratic Party nominee will be either the first woman, or the first African-American to run for president as a major party candidate. There is no doubt that the excitement surrounding this election has been fueled in part by 18 - 29 year-olds. For example, there was a 247% increase in youth voter turnout in the New Hampshire presidential primary, and the turnout number for young voters almost quadrupled in Tennessee.

At the recent National Association of Secretaries of State winter conference in Washington, D.C., it was declared that a "perfect storm" is converging to produce the best voter turnout in decades. According to Kay Stimson, NASS Communications and Special Projects Director, "The Millennials are really shaking things up in this election. The cynicism of Gen-Xers is giving way to sincerity in this new generation." Stimson credits a number of factors for the increase. Young candidates with a message of hope are inspiring optimism in the electorate. National issues like the war in Iraq are hitting the youth voter demographic close to home. And technological inventions like text messaging, blogging, video blogging, and social network sites such as Facebook and MySpace have revolutionized the possibilities for communication. These new methodologies even provide an opportunity to apply positive peer pressure.



Eric Heysen is a college sophomore at Harvard University, and he is passionately involved in the "No Vote No Voice" initiative of the Harvard Institute of Politics. He says 35% of college students self-describe as politically involved, but a much greater percentage, 52%, say they "would like to be more involved." To help increase this political participation, the No Vote No Voice group is utilizing Facebook. Heysen says 75% of college students have accounts, so his group has created a Facebook "badge," which allows registrants to publicly commit to voting. That way, when friends visit their page, they see this commitment to participate. Folks who have added their voting pledge badge can go one step further and use this social networking tool to invite and encourage their friends to also take the voting pledge. There is even a mechanism called a "poke," which is an electronic message letting someone know that the lack of a voting pledge badge has been noticed.

Increased voter registration and participation doesn't come without challenges, especially for the election officials who have to manage it. But this new atmosphere of hope-inspired involvement is a lot more optimistic than the apathy experienced in the past. So, let's all get ready for an extra busy Election Day, with thanks to the Millennials.

- 1. Primary ballot includes candidates who have announced they were no longer running.** In order to get on Vermont's presidential primary ballot candidates were required to submit petitions and payment in January. Since that time some of these candidates have announced in the national press that they are no longer running for office. However, since the candidates did not withdraw their names from our ballot, Vermont voters will still have the option of voting for them. Politicking in the polling place is not allowed. This means that although it may be tempting to warn voters that a vote for a particular candidate will be "wasted," it is not permitted. Please remind your poll workers that it is never appropriate for election officials to comment about any candidates on the ballot – even those who have announced that they have dropped out of the race.
- 2. When voters elect a person who has withdrawn his/her nomination, the office will be considered vacant.** Once the ballot is printed it is not possible to remove a person's name as a candidate for office. Every year there are a few individuals who decide too late (i.e. after the ballots are printed) that they would prefer not to serve in the offices for which their names appear on the ballot. In this situation, the person simply declines the office if he/she wins, and then the office is considered vacant, and the board may fill the vacancy until the next election.
- 3. Person appointed to fill a vacancy must be qualified to serve.** When a board fills a vacancy in a municipal office the person who is appointed must meet all the statutory requirements to be elected to the position. For example, if a school board member resigns, creating a vacancy, the board must fill the vacancy with a person who is a legal voter in the school district. 16 V.S.A. §§ 424, 558. Most town officers must also be legal voters in the town. 17 V.S.A. §2646. If the position is one for which there are no statutory requirements, such as library trustee, then the selectboard may even appoint a non-resident. For some boards, the statutes allow certain members to live out-of-town (see planning commission). Therefore, the selectboard needs to check on the qualifications for each position before making an appointment.
- 4. Town clerk is responsible for preparation of town meeting minutes.** Vermont law makes the town clerk responsible for the preparation of the town meeting minutes 24 V.S.A. §1152. Even if the town clerk is not seeking re-election, it is the responsibility of the clerk whose term is ending to make a record of the town meeting. (Note that the new clerk will generally take office at the end of the town meeting.) The record or minutes must be approved and attested to by any two of the following: moderator, selectboard or justices of the peace. The clerk shall request approval within seven days after each town meeting and his/her request must be given prompt consideration.
- 5. Motion to reconsider must be made before next article is considered.** If a voter wishes to move for reconsideration of an article during town meeting, the voter must make the motion BEFORE consideration of the next article on the warning. 17 V.S.A. §2661(a). After the motion has been made to begin consideration of the next article, it is too late to seek reconsideration during the meeting.
- 6. There is no reconsideration of elections of officers.** 17 V.S.A. §2661 provides a method for reconsideration of public questions, and budgets. However, no law exists that will permit the reconsideration of election of officers. The only way to challenge or contest an election of an officer is by filing a petition with the appropriate Superior Court. (17 V.S.A. §2603) The statute sets out that you must allege either errors sufficient to change the outcome of the election, fraud in the process sufficient to change the result, or that for any other reason, the election is not valid. This applies whether the vote is at a floor meeting or is by Australian ballot.
- 7. Best practice is to provide absentee ballots for reconsideration vote to voters who requested them for the original vote.** Although the law does not speak directly to requesting absentee ballots for reconsideration of an article by Australian ballot, we suggest that fairness dictates that the town clerk send absentee ballots for the reconsideration to all voters who had requested absentee ballots for town meeting. Reconsideration is really an extension of the original meeting, and we believe that absentee voters should be given the opportunity to continue to participate.
- 8. Votes requiring two-thirds instead of a majority at town meeting.** There is a very short list of votes that require a two-thirds majority at town meeting: tax stabilization agreements relating to commercial or industrial property (24 V.S.A. §2741(b)) and when *Robert's Rules* requires two-thirds for procedural motions such as motions to suspend the rules, to rearrange articles, to cease or limit debate; to adopt special rules of order; to allow a non-resident to speak after a voter has objected, to close nominations; and to postpone to a time certain (17 V.S.A. §2658).



9. **Article passed over at town meeting may be re-warned for consideration at a later meeting.** Articles that are voted to be either “passed over” or “postponed indefinitely” cannot be raised at a subsequent special or annual meeting without warning a new article. Likewise if an article is “tabled” (it could be removed from the table during that meeting) it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. Voters rely on the warning to know what will be discussed.
10. **Motion to adjourn to a date certain allows town to avoid warning delays.** If voters want to continue a meeting to a later date it is generally best to make a motion to adjourn to a date and time certain so that the meeting does not need to be warned again. This will allow the meeting to take place expeditiously, without having to wait the 30 to 40 day warning period for a new meeting. A motion to adjourn to a date certain is most commonly used in the event of bad weather or other emergencies (like a broken furnace). It may also be used when the voters want to postpone a vote until they receive additional information that is not available at town meeting (as when an audit report is delayed). If the motion to adjourn does NOT contain a date and time certain, the next meeting will require full 30 to 40 day warnings.
11. **When no one is nominated for an office, there is a vacancy to be filled by the selectboard.** At a town meeting in a town that does NOT use Australian ballot for election of town officers, if no one is nominated from the floor, the office remains vacant and the selectboard must appoint until the next election. The selectboard or moderator cannot “force” the town meeting to keep nominating until someone accepts the nomination by stating that the next article will not be considered until the election is completed. If there are no nominations for an office, the selectboard appoints to fill the vacancy. If at a later date interest arises in the office, five percent of the legal voters may petition for a special election.
12. **Union school must use paper ballot to dispense with Australian ballot.** Union school district law states that “the votes whether to use the Australian ballot and whether to commingle the ballots shall be taken by written ballot.” 16 V.S.A. §711e(b). Generally, when the adoption of an article is prescribed to take place in a certain fashion, the reconsideration or rescission of the article is voted in the same manner. Accordingly, a vote to discontinue the use of Australian ballot would be by “written” or paper ballot. Note, however, that if the union high school district voted to adopt all **public questions** by Australian ballot in its previous vote, the vote on whether to discontinue the Australian ballot would be taken by Australian ballot, since it is a public question. 17 V.S.A. §2680(d). (If the school district voted to adopt only the budget by Australian ballot, then the vote to discontinue must come at a traditional floor-type meeting.)
13. **Union school officers take office on July 1st, except for moderator.** According to law, “union district officers elected at an annual meeting shall enter upon their duties on July 1 following their election and shall serve a term of one year or until their successors are elected and qualified, except that if the voters at an annual meeting so vote, moderators elected at an annual meeting shall assume office upon election and shall serve for a term of one year or until their successors are elected and qualified.” The law also provides that school directors elected at an annual meeting shall assume office upon election and shall serve a term of three years or until their successors are elected and qualified. 16 V.S.A. §706k.
14. **Budget reconsideration must be voted in same manner as initial budget vote.** In one town, at the same meeting that voters rejected a school budget, it voted to adopt all budgets by Australian ballot. Despite the vote to go to Australian ballot, the budget re-vote must be a floor vote. Courts consider that the election is not complete until the budget issue is finally resolved. Any new budget votes – after the budget passes – must be voted by Australian ballot.
15. **Roll call votes require a record of the particular votes of board members.** Minutes of board meetings do not need to reflect which board members have voted in favor of or in opposition to a motion, unless a roll call vote is requested by a board member prior to the vote on the motion. 1 V.S.A. §312(b) (1) (D). If a roll call is requested, the public meeting law requires that the minutes indicate how each board member voted on the motion. Note that how a board member voted is still public information, so board members and other attendees of the meeting should be free to disclose how a particular board member voted. Indeed, a board member’s voting record may be a factor for town voters in deciding whether to reelect that particular official.
16. **Many pets require a rabies vaccine.** The Vermont Health Department reminds town clerks that dogs, wolf-hybrids, cats and ferrets must be rabies vaccinated in Vermont. 20 V.S.A. §3581a. Note that state law only requires dogs and wolf-hybrids to be licensed (and requires proof of vaccination), but towns may also pass animal control ordinances to license other domestic pets. A town that regulates other domestic pets may require proof of vaccine. 20 V.S.A. §§ 3581, 3549, 3550.



- 17. Selectboard may create a police department.** A selectboard may decide to contract for law enforcement services or create a police department in the town. 24 V.S.A. §1931. This is true whether or not the town has an elected constable who has law enforcement authority. Because the decision of whether or not to establish a police department is given, by statute, to the selectboard or town manager, the voters may not require a public vote on the issue by petitioning an article for warning as part of the annual or special meeting of the town.
- 18. Voters may not petition to require elected constable to work full-time.** An elected official has discretion as to how he or she performs the duties of the job. If the voters are unhappy they have the ability to let the official know, and ultimately they may elect someone else to fill the position. Although the voters may vote to increase the budget of the constable so that he or she could be paid for additional hours of work, the voters cannot, by vote, force the constable (or any other official) to work additional hours.
- 19. A vacancy in an elected constable position may only be filled by a person who would be qualified to stand for election to the position.** If no one is elected to fill a constable position, or if the position becomes vacant for some other reason, the selectboard may fill the position until the next election. The board may not hire a sheriff in the neighboring town to serve as constable unless he or she is a legal voter in the town, and would thus, be qualified to stand for election to the position.
- 20. No conflict of interest exists when a person serves on both the planning commission and development review board (DRB).** In many towns members of the DRB also serve on the planning commission. There is no conflict of interest in this dual membership because one board does not oversee or judge the work of the other. Rather, the experience of the board member on the DRB can help inform his or her work in developing the town plan or bylaws, and vice versa. On the other hand, it is always good for a town to engage a broad cross-section of the community on its boards, in part to prevent burn-out by the volunteers and in part to prevent a public perception that one individual is dominating local decision-making.
- 21. Ex officio notaries must file with superior court.** Justices of the peace, town clerks and their assistants, municipal police officers, sheriffs and others who serve as ex officio notaries public cannot perform notarial services until they submit an application to the superior court and take the oath of office. 24 V.S.A. §441. A new application must be submitted every four years (at the time when all notarial appointments expire.) These officials do not need to pay the registration fee and their commissions expire once they leave office. Also, ex officio notaries provide notary public services without charge or fee. 32 V.S.A. §1403(b).
- 22. Delinquent tax collector adopts collection policy.** Vermont law gives the delinquent tax collector the authority to adopt a collection policy and decide when or whether to conduct a tax sale. The selectboard has no authority to order the collector to take collection action; however, if the collector fails to do his or her job a court can assess penalties. 13 V.S.A. §3006.

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.













Tip of the Month

Join us in thanking the following clerks for their years of service and wishing them a happy retirement!

Donna Centonze - Waterbury
Susan Goodyear - Moretown
Eugene Stratton - Barre City
Lindy Wells - Worcester

If you have a tip you would like to share, please contact John Cushing, VMCTA President, at jcushing@town.milton.vt.us

After Town Meeting - A Checklist

-  1. **FINISH THE MINUTES:** The town clerk is obliged to prepare the minutes of town meeting and have them approved by two people from among the following officers-selectboard member, moderator, or justices of the peace. This must be done within seven days of the meeting. 24 V.S.A. § 1152.
-  2. **GET ORGANIZED:** "Forthwith," the statute announces, the selectboard must meet, elect a chair, a clerk (of the board), and let the town clerk know your decision. At this meeting, you will also need to appoint three fence viewers; a poundkeeper; inspectors of lumber, shingles and wood; weighers of coal; and a tree warden. 24 V.S.A. § 871. The same process should be followed by any board, including auditors, listers, the board of civil authority, the board for abatement of taxes, planning commission, and zoning board of adjustment, and any others. Take up the issue at your first meeting, elect a chair, set your regular meeting schedule and let the town clerk know about it.
-  3. **SETTLE:** Immediately after town meeting, if not before, auditors need to "settle" with former town officers. If a new delinquent tax collector has been elected, for instance, the former collector must pay over all funds collected to date and make a complete accounting of the taxes still owed. 24 V.S.A. § 1578. All papers in the collector's hands are also to be turned over to the successor collector.
-  4. **GET SWORN:** Town clerks, select board members, constables, listers, grand jurors and fence viewers and the school board must be sworn in before taking office. 24 V.S.A. § 831. See the town clerk for forms, or look at the oath in Chapter II, Section 56 of the Vermont Constitution, in the first volume of Vermont Reports.
-  5. **GET BONDED:** School directors, constables, road commissioners, collectors of taxes, treasurers, and town clerk must be bonded before taking office. 24 V.S.A. § 832. The selectboard sets the amount. This is usually done through your insurance company. The town or school district pays for the bonds, not the officers. 24 V.S.A. § 835.
-  6. **TELL WHO WAS ELECTED:** Newly elected town clerks must file the certificate of their election with the county clerk, signed by the moderator of the meeting, within five days of the election. File a copy of your oath of office as well. 24 V.S.A. § 1151. The clerk should also write the state treasurer to tell him the name of the new town treasurer. 24 V.S.A. § 1166. Actually, this must be done before July 1, but why not do it now and get it out of the way? Within five days of town meeting, the clerk should also send each lister's name, mailing address, and length of term to the commissioner of taxes. 24 V.S.A. § 1168. Send the name and address of the constable to the county clerk. 24 V.S.A. § 1169.
-  7. **APPOINT ASSISTANTS:** Town clerks and treasurers must have assistants. They should be appointed by the clerk and treasurer following the beginning of each new term, and the appointment recorded. 24 V.S.A. §§ 1170, 1573. Send the county clerk a copy of the appointment of the assistant town clerk and of the assistant's subscribed oath. 24 V.S.A. § 1172.
-  8. **LEARN THE OPEN MEETING AND PUBLIC RECORDS LAWS:** Read them. They are found back to back in the first volume of the Vermont Statutes Annotated, at 1 V.S.A. §§ 310-320. Everything is open unless you can find a reason to close it in these laws. Don't meet with a quorum of your board without public notice. That's against the law. See the *Pocket Guide To The Open Meetings Law* as well as our publication *A Matter of Public Record: A Guide to Vermont's Public Records Law* on our website for details.
-  9. **LEARN HOW TO DEAL WITH THE PUBLIC:** You are a public officer. That means you are available to help, answer questions, find official paperwork, and anything else people ask of you. There are limits, of course. You don't need to be abused. But as long as the public remains civil, you should try to help.
-  10. **LEARN HOW TO ASK FOR HELP:** Everybody helps everybody in Vermont. Call those who held the office before you. Call those who hold the same office but in another town. Call us. Call the League of Cities and Towns. Call state offices. There's no reason not to ask for help. Everything is complicated at first.

Upcoming Events

Selectboard Institute

March 22, 2008

Sponsored by VLCT Municipal Assistance Center

Location: Montpelier Elks Club
Time: 8:30 am
Contact: Jessica Hill (jhill@vlct.org)
Phone: 802/229-9111
Fax: 802/229-2211
Price: \$70.00 VLCT PACIF Members, \$100.00 VLCT Members, \$110.00 Non Memb

The Selectboard Institute is an annual program offered exclusively to Vermont Selectboard members. Designed for both newly elected and more seasoned members, the program is highly interactive and allows members to learn from each other's experience. Staff members who report to the Selectboard are welcome as well. Please note this is a Saturday event!

Please register by March 14, 2008. Registrations received after March 14 should include a \$10.00 late fee. Cancellations for a full refund must be received in writing by March 14, 2008.

2008 Town Officers' Educational Conferences

Coordinated by the Vermont Institute for Government and the University of Vermont Extension

March 24 - St. Michael's College, Colchester
April 10 - Lyndon State College
April 16 - Holiday Inn, Rutland
April 24 - Lake Morey Inn, Fairlee
April 30 - Grand Summit Lodge, Mount Snow



Time: Registration 8:15 am, sessions run until 3:30 pm
Contact: Mary Peabody at UVM Extension
Phone: (802) 223-2389
Email: mary.peabody@uvm.edu
Register Online: <http://regonline.com/toec08>



Workshops on a variety of topics of interest to municipal officials, presented at five sites around the state in March and April. Topics of interest to land use officials include the Essentials of Land Use Planning and Regulation, Effective Strategies for Hearing and Deciding Zoning Appeals, Capital Budgeting, Wastewater Issues, Sustainable and Low Impact Development, Conservation Planning, GIS Resources, and the Planning and Zoning Roundtable.

Voice from the Vault, continued from page 2

society? Would the details of an individual's death embarrass the family, or do you have a right to know any health issues in your neighborhood or state? Does putting your real property/grand list information online expose you to robbery or does it enhance your marketability of title by allowing potential buyers to know something about your property, town tax rates, etc? Should the library books you check out be protected information? What about the books your children check out; do they have an equal right to privacy or do you have parental rights that condition their right to privacy?

The balance is elusive. Legislative efforts to address openness and privacy can find themselves in conflict; more often than not they are addressed in an ad hoc manner that obscures potential conflicts or inconsistencies. Just as often the myriad bills that effect public records go unnoted by the public. So, I ask again: can you clearly define your right to know and your right to privacy?

Municipal Calendar

MARCH 2008

- 1 Last day for the board of civil authority to designate pairs of justices of the peace, assuring a political balance in each pair, to deliver early or absentee ballots to ill and physically disabled voters (not later than three days prior to the election). 17 V.S.A. § 2538(a)
- 1-2-3 (*On any of the three days immediately preceding the first Tuesday in March*) Towns that have voted to do so must hold the open meeting portion of their annual town meeting (at a time set by the legislative body). 17 V.S.A. § 2640(b), (c)
- 2 (*No sooner than 48 hours before polls open*) First day that town clerk in towns with fewer than 5,000 registered voters may direct two election officials to open the outside envelope, sort, and check absentee ballots. 17 V.S.A. § 2546(a)
- 3 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 all early or absentee voters available upon request at their office. 17 V.S.A. § 2534
- 3 Board of civil authority must appoint a presiding officer if the town clerk or other regular presiding officer is unable to preside at the Australian ballot portion of town meeting or if more than one polling place is used. 17 V.S.A. § 2452
- 3 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) and (b)
- 3 The presiding officer shall make sure 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)
- 3 Prior to the day of the election, board of civil authority must appoint assistant election officers for town meeting. 17 V.S.A. § 2454
- 3 Last day for legislative body to hold public informational hearing on any public question to be voted by Australian ballot at town meeting. 17 V.S.A. § 2680(g)
- 3 Town clerk or other presiding officer must notify election officers of their hours and duties. 17 V.S.A. § 2455
- 4 In presidential election years, a presidential primary for each major political party shall be held in all municipalities on the first Tuesday in March. 17 V.S.A. § 2701
- 4 A meeting of the legal voters of each town shall be held annually on the first Tuesday in March unless the town charter changes the date or the voters have voted to begin on one of the three days preceding the Tuesday. 17 V.S.A. §§ 2640(a) and (b), 2631
- 4 (*Before polls open*) In towns using Australian ballot, the town clerk must give election officials a list of those voters who have already cast early or absentee ballots. 17 V.S.A. § 2548(a)
- 4 (*Before polls open*) In towns using Australian ballot, presiding officer must post a copy of the warning, notice, and sample ballots. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballot. 17 V.S.A. § 2523
- 4 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



4 Towns using Australian ballot must open polls no earlier than 6:00 a.m. and no later than 10:00 a.m. (*opening*
4 *hour set by the board of civil authority*). 17 V.S.A. § 2561(a)
4 (*During polling hours*) Presiding officer must ensure that there is no campaigning of any kind and no
campaign literature displayed, placed, or distributed inside the polling place. On walks and driveways
leading to a polling place, no candidate or other person may physically interfere with the progress of a voter
to and from the polling place. 17 V.S.A. § 2508

4 For those who became eligible to vote after the Wednesday prior to town meeting, and who had notified the
town clerk of intent to apply for addition to the checklist, the town clerk shall act on applications until the
polls are closed. 17 V.S.A. § 2144(b), (c)

4 In towns using Australian ballot, as soon as possible after the polls close, town clerk or other presiding
officer must compare entrance checklists to the number of ballots cast and prepare a statement of discrepancies.
17 V.S.A. § 2583(a)

4 In towns using Australian ballot, presiding officer directs election officials in counting ballots. 17 V.S.A. §§
2581, 2582

4 In towns using Australian ballot, presiding officer must seal all ballots, entrance checklist(s) and tally sheets
and deliver to town clerk. 17 V.S.A. §§ 2583(A), 2590(a), 2689

4 (*Immediately after vote is counted*) Under the direction of the legislative body, the town clerk shall
announce and post the results of any charter amendments. 17 V.S.A. 2645(b)

5 (*No later than 24 hours after polls close*) Presiding officer and one other election official shall transfer the
totals from the summary sheets to the return, both sign the return, and deliver the original to the town clerk.
17 V.S.A. § 2588

6 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 for the presidential primary to the secretary of
state. 17 V.S.A. §§ 2588, 2706

9 (*Within five days after town meeting*) Town clerk must certify financial actions of town meeting to treasurer
and to the chair of the legislative body. 24 V.S.A. § 1167

11 (*Within seven days after election*) Last day for legislative body or town clerk to warn a run-off election if
there was a tie vote for any Australian ballot race at town meeting, unless one of the candidates withdraws.
17 V.S.A. § 2682(e)

11 The canvassing committee for state and national offices shall meet at 10:00 a.m. one week after the day of
election to certify results of the presidential primary. The chair of each major political party shall be given a
copy of the official certificate of votes for the election. 17 V.S.A. § 2607

14 Last day for a losing candidate for local office in a municipality using the Australian ballot system of voting
to request a recount (within 10 days after the election). 17 V.S.A. § 2683(a)

14 Deadline for a voter to file a request for a recount with the town clerk of any issue voted by Australian
ballot (within 10 days after the election). 17 V.S.A. § 2688

14 Last day for a local candidate who has made expenditures or accepted contributions of \$500 or more to
file a campaign finance report with the town clerk. 17 V.S.A. § 2822

14 Last day for town clerk to certify to the secretary of state each proposal of (charter) amendment showing
the facts as to its origin and the procedure followed. Clerk shall also certify the result of any vote required
before an act of the General Assembly takes effect. 17 V.S.A. § 2663, 17 V.S.A. § 2645(b)

19 Last day that a legal voter may contest the results of the presidential primary or local election results from
the town meeting (within 15 days after the election). 17 V.S.A. § 2603(c)

26 First day a run-off election may be held (15 days after the warning of the run-off election). 17 V.S.A. §
2682(e)

April 2008

- 1 Last day for dog or wolf-hybrid licensing. 20 V.S.A. § 3581(a)
- 1 Base date for setting appraisal value and determining ownership of real and personal property. 32 V.S.A. § 3482
- 1 Last day for town clerk to furnish listers with transfer book for preceding 12-month period. 32 V.S.A. § 3485(a)
- 2 (22 days after warning; warning within seven days after election) Last day a run-off election may be held. 17 V.S.A. § 2682(e)
- 3 (Within 30 days of Town Meeting) Last day for voters to file petitions for reconsideration or rescission of articles voted on at town meeting. 17 V.S.A. § 2661(b)
- 15 Last day for the legislative body to appoint a town service officer and notify commissioner of social welfare of this appointment. 33 V.S.A. § 2102(a)
- 15 Last day for U.S. Congressional candidates to file FEC quarterly reports for the April quarter (Jan. 1-Mar. 30). 2 U.S.C. § 434(a)(2)
- 20 Last day for return of personal property inventories to listers. 32 V.S.A. § 4004
- 25 State Withholding Tax Return is due (*actual date by which return must be postmarked is shown on the printed form*) if reporting less than \$2,500 per quarter. More than \$2,500 requires monthly report; more than \$9,000 requires semi-weekly report. 32 V.S.A. § 5842
- 30 Last day for listers to receive applications for tax exemption due to disabled veteran status. 32 V.S.A. § 3802(11)
- 30 Last day to file Form 941 (*Quarterly Withholding Return*) with the IRS.

The Municipal Calendar is provided by the Vermont League of Cities and Towns/Chittenden Bank and the Secretary of State's Office.

2008 Vermont Centennial Business Awards



*Owners of Shaw's General Store in Stowe receive recognition at 2007 event.
Photo courtesy of VBM.*

The 2008 Vermont Centennial Business Awards ceremony is scheduled for *Thursday, March 27, 2008, 4:30 p.m.* at the Vermont State House.

The Vermont Centennial Business Awards is a joint project of the Office of the Secretary of State, the Vermont Chamber of Commerce and Vermont Business Magazine. The award acknowledges Vermont's oldest businesses for enriching our economic heritage. We also hope that this program will deepen our understanding of how Vermont's businesses have enhanced our community life during the last hundred years.

Join us for this event! Register online at www.vtchamber.com.

Mailing List Updates!

Help us keep our mailing list up to date!

Let us know if:

- your address needs to be updated,
- your name is misspelled, or
- you'd rather receive *Opinions* a week early via email.



Send us a note via fax: 802-828-2496,

email: gcolbert@sec.state.vt.us,

or post: 26 Terrace St., Montpelier, VT 05609-1101.

Be sure to include the information from your current *Opinions* mailing label as well as any changes that you would like to have made.

Thank you for helping us keep Opinions running efficiently!

RETURN SERVICE REQUESTED

www.sec.state.vt.us

802-828-2363

Montpelier, VT 05609-1101

26 Terrace Street

Redstone Building

March 2008

Office of the Vermont Secretary of State

Opinions

PRSR STD
U.S. Postage Paid
PERMIT NO. 147
MONTPELIER, VT
05609-1101