



Opinions

Office of the Vermont Secretary of State

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February 2011

Town Meeting Day March 1, 2011

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Vermont's Centennial Nonprofit Award Winners



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Quote of the Month

"All we have to decide is what to do with the time that is given us."

Gandalf in *The Lord of the Rings*, J.R.R. Tolkien

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A Message from the Secretary

It has certainly been a very busy time for me since Election Day in November, to being sworn in on January 6, and now with Town Meeting 2011 on the horizon.



My background of over 18 years in local government and eight years in state government provides me first-hand knowledge of the needs and challenges facing our local communities. This experience has given me the knowledge and ability to start working hard for Vermont on my first day in office.

Vermonters value our traditions of strong communities and are empowered by our self-reliant attitudes and independent civic engagement. At the very heart of this tradition is Vermont's Town Meeting. Every year for over 200 years, Vermonters have gathered for Town Meeting to be part of our participatory democracy. However, we all know how fragile this form of inclusive democracy can be.

That's why it is so very important to provide Vermonters with the tools they need to participate in Town Meeting and why it is important to teach our children about this civic tradition.

Some of the resources created by our office include:

- A Citizen's Guide to Vermont Town Meeting - a short publication designed to help citizens understand the history of Town Meeting and how Town Meeting works today.
- Handbook for Moderators - contains citations to state law, court cases, exercises, and an ample sampling of opinions on how to be a moderator in Vermont.
- Our Town Meeting website, www.sec.state.vt.us/townmeeting/index.html, is a resource for citizens and local officials.
- Information, booklets and other materials for schools are also available.

We also must remember that many cities and towns use the Australian ballot voting system – a practice of voting at designated polling places during designated polling hours (usually 7 a.m.-7 p.m.) with preprinted ballots that are available for early/absentee voting at least 20 days prior to the school district or Town Meeting. This accommodates for people who cannot attend a Town Meeting to vote (in those towns with Australian ballots).

As Vermont's new Secretary of State, I want to assure everyone that we will continue to publish the *Opinions* newsletter, and my office will be open to receive inquiries from anyone.

James C. Condos, Secretary of State

Voice from the Vault

by Gregory Sanford, State Archivist

Watching the Wheels Go Round and Round

Not so fast, cautioned Daniel Buck in January 1791, as Vermonters contemplated joining the Union. Our "...affairs of government were managed, as it were, under the eye of the people, and the machine was so small that every one could look and see how the wheels moved, and for this reason it was observable, that the people were all politicians."

Well, we went ahead and became the 14th state – even Daniel Buck voted aye in the end – and here we are 220 years later trying to defrost the windshield so we can go back to watching the wheels go round. As with all complex issues there is not a consensus on what caused the frost in the first place or on how to clear it. Still, having prominent public dialogues swirling around public records does an old archivist's heart good.

As these dialogues play out I will occasionally offer various archival and historical perspectives. So here goes.

A lot of the current buzz revolves around "transparency." For example, H. 73 is entitled "An Act relating to establishing a government transparency office to enforce the public records act." Okay, are transparency and accountability the same thing? No. If you participated in a public meeting and watched the public body discuss, amend, and approve a measure, you experienced "transparency." If the public body did not keep and approve minutes on whether there was a quorum, the language of the adopted proposal, and how the board voted, you did not experience accountability. Without official minutes you are left with hearsay, not evidence.

We should be cautious when we use transparency and accountability interchangeably. Article 6, Chapter I of the Vermont Constitution calls for accountability as do the declarations of public policy prefacing our open meeting and public record laws (1 V.S.A. §§311 and 315). Transparency does not have a legal pedigree. There is a long history of case law and interpretation built up around accountability, not transparency.

Speaking of case law and legal interpretation, there have been several recent cases involving accountability, access to public records, and whether you can be charged to inspect rather than copy a public record. The latter case involved the Agency of Natural Resources attempting to charge the Vermont State Employees' Association for inspecting certain public records. Superior Court Judge Geoffrey Crawford ruled there was no authority to charge for inspection. Indeed, the statement of policy to the public records act (1 V.S.A. §315) states: "It is the policy of this subchapter to provide for the free and open examination of records..."

The Vermont Supreme Court first tackled access to public records in 1906. State Auditor Horace Graham denied Percival Clement's request to inspect vouchers. Clement had bolted the Republican Party in 1902 to run for governor as a "Local Option" candidate. In 1906 he would again bolt to run as the Democratic gubernatorial candidate. Graham felt that Clement was using his "idle curiosity" to cause political mischief. Besides, fulfilling the request would pull Graham from his true public duties which, at the time of the request, meant preparing his biennial report to the legislature.

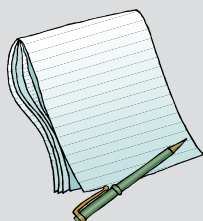
The Court ruled in Clement's favor: "The right to examine documents includes the right to make copies from them... When examination is sought for a public purpose, the interest of a citizen and taxpayer alone, without any other special or personal interest, is sufficient;" and "The fact that it is an inconvenience to permit the examination of the vouchers, is not a sufficient ground for refusing that right." *Clement v. Graham*, 78 VT 290 (1906).

In the ongoing dialogues on public records there are diverse perspectives. Proffered solutions are based on how one defines the problem. Yet, there is a lot that is unknown – what exemptions are most frequently cited in denying access to public records; which exemptions are most frequently contested in court; which exemptions, based on court decisions, have been most often misapplied; what is the impact of technology on public record creation and accessibility; etc.

It is all fascinating to me, but I cannot cover everything in a single column. There is, however, one approach that is, to me, the most likely to produce meaningful and sustainable results. That is to support the effective management of public records under existing requirements (3 V.S.A. §218), coupled with training on public record requirements for state employees.

Okay, this may appear self-serving since the Vermont State Archives and Records Administration (VSARA) has the statutory authority to work across government to help create record management plans. We have only been in existence since July 2008 but our work is already helping agencies develop plans, including for records commonly held by most agencies (see for example our record schedule section at: <http://vermont-archives.org/records/schedules/index.htm>). We have an online “right to know” database so people can examine the public records law and its exemptions for themselves (<http://vermont-archives.org/records/access/index.htm>). We are working with almost 30 agencies and departments through our Target Assistance Program (TAP) and offering much more than I can recount here.

It is not easy; our resources are limited; and good recordkeeping has traditionally been more celebrated than practiced. Agencies are confronting their own resource issues and demands. In order to sustain our work and produce timely results, top-level support is essential. Both Governor Peter Shumlin and Secretary of State Jim Condos have publicly stated their belief that good records management and training are crucial for moving forward. Indeed, during the first week of his administration Governor Shumlin had VSARA talk to his immediate staff about public records issues and he has committed to having agencies work with us through TAP and other initiatives. Daniel Buck would approve.



Tip of the Month

This month's tip came from Kathleen Scheele, Director of Elections Division in the Secretary of State's Office.

During a traditional floor voting Town Meeting, any voter can rise to challenge any ruling on motions or points of order by the moderator. This is done by the voter rising immediately after the ruling to state: “I rise to challenge the ruling of the moderator.” If the ruling is challenged, the moderator must put the issue to a vote of all legal voters present and the majority vote will control.

Robert's Rules includes this procedure to allow the majority of those voters present to decide what is fair and just under the circumstances AND because it is difficult for any moderator to know every rule and anticipate every type of motion that may be presented.

We strongly suggest that moderators explain this ability of voters to challenge his or her rulings at the beginning of the meeting. You could simply read the two paragraphs above.

Many wise moderators encourage voters to challenge a ruling when the moderator is in doubt by prefacing the ruling by saying something like, “The chair is doubtful, but rules that” This phrasing allows the moderator to tell the voters that he is unsure of his ruling and encourages a voter who questions the ruling to rise to challenge.

If you have a tip to share, contact Alison Kaiser at akaiser@townofstowe.vermont.org

Opinions of *Opinions*

by Secretary of State Jim Condos

- 1. There are separate offices for town and town school district moderators.** The town school district must elect a moderator as the first order of business or by Australian ballot, if the district has voted to elect all officers by Australian ballot. Although the same person may serve as both Town Meeting moderator and school district moderator, separate candidacies, and in Australian ballot districts, separate petitions are required.
- 2. At the beginning of Town Meeting, it is a best practice for the moderator to review the basics of Robert's Rules and the procedures that will be used in the meeting.** Vermont law allows towns to adopt modifications to Robert's Rules, so if your town has done so it is important to remind voters. This helps voters to be able to participate fully in the meeting. It is especially important for the moderator to remind the voters that any person present can rise to challenge the ruling of the moderator on any motion or procedural issue, and if there is a challenge, then the ruling will be decided by the voters present. (See tip of the month.)
- 3. The best practice is for moderators at the annual Meeting to refrain from speaking to the legality of an article or to give an opinion regarding the legal effect of taking action on or passing over an article.** While as moderator you have a desire to be helpful, it is the moderator's role to manage the process and procedures of the Meeting with the primary purpose of seeing that the will of the electorate is given effect, with fairness and impartiality to all legal voters who are participating. Even a well-intentioned comment regarding the legality or impact of an article could be misunderstood as showing partiality for or against an article. If there is truly no one else in the room that can answer a question, and you feel compelled to enter the discussion, you should call for a moderator pro tem to take over, and step down while you participate in the debate. Usually however, there are others who can answer the question, or let the electorate decide how to vote on the article without any opinion. If you really want to participate in the debate and try to affect the outcome of the vote, then you should step down and have a moderator pro tem take over.
- 4. When local officers are elected by paper ballot during the traditional open floor Town Meeting, a majority of all votes cast for any office is required for an election. 17 V.S.A. §2660(b).** The law requires that selectboard, listers, auditors, road commissioners, and water commissioners must be elected "by ballot," which means a blank small paper ballot. 17 V.S.A. §2646. If a majority is not achieved on the first ballot, voting continues. If no person has obtained a majority by the end of the third vote, the moderator shall announce that the candidate receiving the lowest number of votes in the last vote and any succeeding vote shall no longer be a candidate, and the voting continues until a candidate receives a majority.
- 5. If voters want to elect any other officers by using a secret paper ballot, or vote on any other article using a secret paper ballot, then a voter can rise to request a paper ballot.** If at least seven voters support the request that paper ballots be used for voting, then paper ballots must be distributed and used. 17 V.S.A. §2658.
- 6. Australian ballot is not a paper ballot.** People often confuse the terms "written ballot," "paper ballot," and "Australian ballot." A "written ballot" and a "paper ballot" are blank pieces of paper that are used to vote at a traditional floor school district or town meeting to elect certain officers as required by statute, when required by a particular statute, or when requested by at least seven voters. An "Australian ballot" vote refers to the practice of voting at designated polling places during designated polling hours (set by the BCA, but commonly from 7 a.m.-7 p.m.) with pre-printed ballots that are available 20 days prior to the school district or town meeting for absentee voting.
- 7. Moderator, not town clerk, is in charge of all voting including paper ballots at a floor or open town meeting. 17 V.S.A. §§2657-2660.** The moderator is the presiding officer and shall appoint counters (from the legal voters of the town) to assist him and shall make public declaration of votes taken including paper ballot votes when required by statute or requested by seven voters present. The moderator can ask the town clerk and BCA members for assistance, but can also appoint officials from the legal voters.
- 8. Suggestions for preparations for paper ballots.** A number of towns have called and asked for suggestions about ways to ensure that only legal voters are voting without making voters file by a checklist for each paper ballot. One suggestion is to set up two appointed counters with an entrance checklist where voters come into the meeting. As the voter is checked off, he or she is given a preprinted green or other colored paper (that was cut into quarters) "**Town of XXXXXX—Legal Voter.**" Then each legal voter can simply show the green card to the counter who is distributing ballots and also show the card to the counter who is supervising the ballot box. Some towns also divide the meeting room space into sections for legal voters

and for observers. Some towns also preprint white paper and cut into quarters with “Town of XXXX—Legal Ballot” printed on it, and then ask voters to mark the ballot on the blank side so the “legal ballot” can be shown to the counter or official before placing in the ballot box. There are many different ways to address the issue, but these are some things that can be done ahead to save time and voter concerns during the meeting.

9. **When local officers are elected by Australian ballot, the person receiving the most votes shall be declared elected to that office.** A plurality is all that is required. 17 V.S.A. §2683(c).
10. **However, if the person receiving the most votes is a write-in candidate in an Australian ballot election, the person must have received at least 30 votes OR the votes of one percent of the registered voters, whichever is less.** 17 V.S.A. §2683(c).
11. **If there is a tie vote for any local office, “if one of the candidates that are tied withdraws his or her candidacy within five days after the election, the town clerk shall certify the other tied candidate as the winner, and there shall be no runoff election.”** 17 V.S.A. §2682(e) was amended effective July 1, 2007 so that for local offices a town does not have to conduct a special runoff election if one of the tied candidates is willing to withdraw to allow the other candidate to serve.
12. **There is no limit to the number of offices that a person can petition to be added to the ballot in a town that elects by Australian ballot. Likewise, there is no limit to the number of offices a person can be nominated for at a town meeting that elects from the floor.** However, if elected, a person can only accept and serve in offices that are compatible (where there is no statutory conflict). A person will need to either resign or not accept one of the offices if the offices are incompatible. The vacant position must then be filled by the selectboard or school board, or voters can petition for an election.
13. **Reminder of votes requiring two-thirds instead of a majority at Town Meeting.** It’s a fairly short list: Tax stabilization agreements relating to commercial or industrial property (24 V.S.A. §2741(b)); and when Robert’s rules requires 2/3 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 nonresident to speak after a voter has objected; to close nominations; and to postpone to a time certain (17 V.S.A. §2658).
14. **Articles that are voted to be either “passed over” or “postponed indefinitely” cannot be raised at a special or future annual meeting without a full warning of 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 at the meeting.
15. **Only legal voters can speak at Town Meeting unless there has been a motion to suspend the rules and permit non-voters to address the group and the motion has passed by 2/3 of the voters.** It is a good practice when making such a motion to include some parameters in your motion, such as non-voters may speak once to an issue for a time not to exceed five minutes, or non-voters can be interrogated by voters but cannot rise to speak otherwise.
16. **Town clerks are required to disclose to the public the total amount of fees received as part of his or her compensation for the preceding year within 30 days after the end of the town’s fiscal year.** 24 V.S.A. §1179. The law does not state how the clerk shall disclose the fees, just that the fees must be disclosed to the public.
17. **The voters must authorize the changing of the date for an annual school district meeting by voting at an annual or special meeting on an article: “Shall the _____ Town school district hold its annual meeting on _____.”** 16 V.S.A. §422. The school board cannot change the date on its own motion, as it must be voted by the electorate.
18. **When the electorate has voted at a town meeting to establish a reserve fund, such as a Highway Capital Reserve Fund, the selectboard is authorized by statute to expend those funds for purchase of capital assets for the maintenance and improvement of highways and the selectboard does not need another article to approve each expenditure (so long as the expenditure is for the purposes for which the fund was established).** 24 V.S.A. §2804. If the selectboard wants to use the funds for some other purpose, then the board needs to warn an article for voter approval to use the funds for a different purpose.
19. **To change from a floor town meeting to Australian ballot for election of officers, budgets, or public questions, an article must be placed on the warning as directed in 17 V.S.A. §2680.** The board can choose to place an article on the warning, or at least 40 days before the annual meeting, citizens can submit a petition with signatures of five percent of the checklist to request the

article. (17 V.S.A. §2642). If the article to change to Australian ballot passes, the town or district will begin using the Australian ballot at its next special or annual meeting.

20. **Town clerks in towns that are members of a union school district must be open for voter registration from 3 to 5 p.m. on the Wednesday immediately preceding the union school district elections. 16 V.S.A. §706u.** The town clerk must provide an authenticated copy of the checklist as updated to the clerk of the union school district.
21. **Town clerks or other ex officio notary publics must complete the notary application and submit it to the county clerk (but do not pay the fee). Ex officio notaries cannot charge a fee for notary public services. 32 V.S.A. §1403(b).** If you are a notary public ex officio, your term as notary public ends when you leave office. If you want to continue as a notary public, you can apply to the county clerk's office and pay the registration fee.
22. **When a person is elected to more than one position in the town or school district and the positions are incompatible, the person must resign from one of the positions. This creates a vacancy which must be filled according to statutory procedures.** Under Vermont law, the runner-up or next highest vote-getter does not "move up" or become the winner. For town officers: the selectboard posts the vacancy within 10 days of its creation, and then appoints a person to fill the term of office until the next election. 24 V.S.A. §961 and §963. For town school board members: the selectboard, with the advice of the remaining school board members, shall within 30 days appoint a person to fill the position until the next election. 16 V.S.A. §424. For union school districts: the clerk of the union district notifies the town school board if one exists, or if none the selectboard of the town which elected the original incumbent and within 30 days the town school board (or selectboard), with the advice of the town or incorporated district school board, shall appoint to the next election.
23. **When the annual meeting voters pass an article to increase the size of the selectboard or school board from three to five members, it is a good idea to wait until the 30-day period for reconsideration has passed, before warning a special meeting to elect new board members.** Also, school boards must follow the specific requirements of 16 V.S.A. §423 while selectboards follow the requirements of 17 V.S.A. §2650 for length of term, etc. A special election can either be called by the board or by petition. If there is no petition to hold a special meeting, it is permissible to wait until the next annual meeting to add the new board members.
24. **To be eligible for election as a school board member, a person must be a legal voter in the school district. 16 V.S.A. §558. Likewise, a town shall choose from among its legally qualified voters for selectboard, town clerk, town treasurer, and a number of other town offices. 17 V.S.A. §2646.** The question has been raised regarding when a person must be added to the checklist in order to be eligible for election. A person must be added to the checklist before the Election Day is over. The BCA must meet before the election itself and add the names of all eligible persons who have properly completed and submitted applications to the checklist before 5 p.m. on the Wednesday immediately preceding the election.
25. **Town officers take office at Town Meeting.** Newly elected town officers take office on Town Meeting Day. Some officials must take an oath before they officially take office. This can be done by the clerk at Town Meeting, or at any time thereafter. 17 V.S.A. §2646. An official who is required to take an oath of office (by either swearing or affirming) and who refuses to do so may not take office, thereby creating a vacancy.
26. **Union school officers take office on July 1st, except for moderators.** "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.
27. **There is no power of attorney or guardianship order that allows the person with the power of attorney or the guardian to register to vote on behalf of the other person OR to cast a vote for the other person.** Any person may assist a person in completing an application to the checklist but the citizen that is applying must sign the application for himself. Similarly, a family member or authorized person can request that an absentee ballot be sent to another voter, but each voter must vote his or her own ballot. A voter can also ask for assistance from any person of his or her choice, but no one can "substitute" vote for another.

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.



2010 Vermont Centennial Nonprofit Award Recipients

- Est. 1829 - Burr and Burton Academy, Manchester
- Est. 1860 - College Street Congregational Church, United Church of Christ, Burlington
- Est. 1891 - Morristown Centennial Library
- Est. 1899 - Boltonville Burying Ground Association, Newbury
- Est. 1899 - Rutland Masonic Association
- Est. 1900 - Bristol Cemetery Association
- Est. 1900 - Greensboro Free Library
- Est. 1900 - Meccawe Club, Reading
- Est. 1900 - Second Congregational Church, Hyde Park
- Est. 1901 - Brandon Free Public Library
- Est. 1901 - Fletcher Memorial Library, Inc., Ludlow
- Est. 1901 - Haskell Free Library, Inc., Derby Line
- Est. 1901 - Humane Society of Chittenden County
- Est. 1901 - West Enosburg Cemetery Association
- Est. 1901 - YMCA Camp Abnaki
- Est. 1902 - Church of Christ, West Rupert
- Est. 1902 - Jeffersonville Cemetery Association
- Est. 1902 - South Franklin Cemetery Association
- Est. 1902 - South Londonderry Library Association, Inc.
- Est. 1903 - Goethe Lodge No. 592 D.O.H., Burlington
- Est. 1903 - International Advent Christian Conference, Newport Center
- Est. 1904 - Hunt Cemetery Association, Tunbridge
- Est. 1905 - Daughters of the Charity of the Sacred Heart of Jesus, Newport
- Est. 1905 - Holy Trinity Orthodox Church of Springfield
- Est. 1910 - Green Mountain Club, Inc.
- Est. 1910 - Lake Champlain Regional Chamber of Commerce
- Est. 1910 - Riverside Grange No. 455, West Topsham

Secretary of State Jim Condos Honors Vermont's Centennial Nonprofit Award Winners

Vermont's Oldest Nonprofits Recognized at a State House Ceremony

Secretary of State Jim Condos recognized Vermont's oldest nonprofits in a ceremony held at the State House on Thursday, January 27. The Vermont Centennial Nonprofit Awards program recognizes nonprofit organizations that have operated in Vermont for at least 100 years.

The nonprofits honored range from educational institutions, libraries, churches, recreation, a chamber of commerce, and other local groups.

This year, 27 of Vermont's oldest nonprofits were presented with plaques by Secretary of State Jim Condos and Governor Peter Shumlin. Many state legislators, members of the Vermont nonprofit community and other dignitaries also attended.

According to Secretary of State Jim Condos, "We believe it is important to recognize and honor Vermont's oldest nonprofits for their many contributions to our communities and to Vermonters."

Any nonprofit that has been in operation in Vermont for 100 years or more can participate in this program by filling out an application available through the Secretary of State's office.



Above: Centennial Nonprofit Award Winners Reception in the State House cafeteria.

Civics Behind the Scenes

by Olivia Gay, Civic Education and Voter Outreach Coordinator

Town Meeting - Learning about a time-honored Vermont tradition

In December, former Secretary of State Deb Markowitz honored a number of Vermonters for their accomplishments. For all the awards, see http://www.sec.state.vt.us/Democracy_Awards.html.

I want to mention two of the honorees who have done a great deal of research and activism to uphold Vermont's Town Meeting tradition: Frank Bryan and Susan Clark, co-authors of *All Those in Favor: Rediscovering the Secrets of Town Meeting*, a layperson's guide to the tradition of Town Meeting and how-to manual for preserving it intact for future generations.

The National Association of Secretaries of State Medallion Award was presented to Frank Bryan, University of Vermont, "... for his commitment to preserving the town meeting tradition in Vermont"; and the Vermont Secretary of State's Enduring Democracy Award went to Susan Clark, Middlesex Town Meeting Moderator, "... for her commitment to enhancing local democracy in Vermont." I congratulate both of them on the recognition of their individual and shared efforts.

Town Meeting is an enduring institution and a unique form of direct democracy. Frank Bryan observed, "If you put someone from 1810 in a heated car, driving through the hills of East Montpelier, eating a sticky bun and listening to news from Baghdad on the radio – how could that person have any idea what was going on? But when they got to the Town Meeting and the moderator said 'all those in favor' or 'the residents are hereby warned,' that person would immediately recognize the procedures, the language, the ambiance, and know what was going on."

Susan Clark noted, "We wrote this book as a tool for social change. We want to inspire people not only to attend their Town Meeting, but also to safeguard it and their local democracy." This comprehensive book is an excellent source of information and food for thought.

You can find the book in local bookstores or you can order it online from the Vermont Institute for Government: <http://www.uvm.edu/~fbryan/orderform.pdf>. You can also get to that link from our website's Kids' Pages at the address below. There's a wholesale price for municipal offices and libraries.

Here at the Secretary of State's office, we have our own free publications for all ages about Town Meeting:

- ❖ **Vermont Town Meeting Coloring & Activity Book, K - 3rd grade**
- ❖ **Town Mouse and Country Mouse Go To Town Meeting, 4th - 6th grade**
- ❖ **Town Meeting Day: A Vermont Tradition, 7th - 12th grade**
- ❖ **A Citizen's Guide to Vermont Town Meeting, 9th grade – Adult**

Please see our Kids' Pages to preview and order any number you need at no cost: http://www.sec.state.vt.us/kids/town_mtg.html

For more information about the Secretary of State Office's Civics Programs or to order materials visit www.sec.state.vt.us, or contact Olivia Gay at 802-828-1296; email olivia.gay@sec.state.vt.us

Elections Calendar

FEBRUARY 2011

9 - In Australian ballot towns, ballots for local officers and local public questions shall be prepared by the town clerk and available not later than 20 days before the election. 17 V.S.A. § 2681a(a)

9 - First day for legislative body to post warning for public informational hearing (to be held on or after 2/20/10) on any public question to be voted by Australian Ballot at town meeting. 17 V.S.A. § 2680(g)

19 - First 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)

19 - Last day to post sample ballots (for the municipal election) in the same places as the warning, notice, and checklist (not later than 10 days prior to town meeting). 17 V.S.A. § 2522(a)

19 - Selectboard must mail or otherwise distribute town meeting warning in annual town report by this date to avoid publishing warning in newspaper (at least 10 days before town meeting). 17 V.S.A. §2641(b)

19 - Last day for legislative body to post warning for public informational hearing (to be held on or before 3/1/10) on public question to be voted by Australian ballot at a town meeting. 17 V.S.A. §2680(g)

19 - Voting machines must be tested using official ballots that are clearly marked “test ballots” (at least 10 days before the election). 17 V.S.A. § 2493(b)

21 - A local candidate who has made expenditures or accepted contributions of \$500 or more shall file a campaign finance report ten days prior to the election. 17 V.S.A. §§ 2822, 2103(13)

21 - During the eight days preceding election day, 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)

23 - Last day, until 5:00 p.m., to apply for addition to the checklist to vote at town meeting. Town clerks' offices must be open from 3:00 p.m. to 5:00 p.m. to accept applications. 17 V.S.A §2144(a)

23 - Last day, until 5:00 p.m., for people who are not eligible to register by this date but who will be eligible by election day to file a written notice of intent to apply with the town clerk and to request an early or absentee ballot. 17 V.S.A. § 2144(b) and (c)

23 - Last day to receive a request for an application for addition to the checklist accompanying an early or absentee ballot request (by 5:00 p.m.). 17 V.S.A. § 2532(b) and (c)

24 - Town meeting warning must be published in newspaper by this date if town report has not been distributed otherwise (five days before the meeting). 17 V.S.A. § 2641(b)

24 - 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 town meeting). 17 V.S.A. § 2144b(d)

26 - 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)

28 - 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

28 - 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

28 - 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)

28 - 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)

28 - Prior to the day of the election, Board of Civil Authority must appoint assistant election officers for town meeting. 17 V.S.A. § 2454

28 - 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)

MARCH 2011

1 - Town Meeting - 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

1 - 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

8 - Last day for selectboard or town clerk to warn a run-off election if there was a tie vote for any Australian Ballot race at town meeting (within seven days after election). 17 V.S.A. § 2682(e)

11 - 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)

11 - 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

11 - 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

11 - 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. 17 V.S.A. § 2645(b)

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

17 - 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)

30 - Last day a run-off election may be held (22 days after warning; warning within seven days after election). 17 V.S.A. § 2682(e)

31 - Last day for voters to file petitions for reconsideration or rescission of articles voted on at town meeting (within 30 days of the meeting). 17 V.S.A. § 2661(b)

**For additional information, visit the Elections Division's website at
<http://vermont-elections.org/soshome.htm>**

Upcoming Events

Local Government Day in the Legislature

February 16, 2011

Sponsored by VLCT and Vermont Municipal Clerks & Treasurers Assoc.

Location: Capitol Plaza Hotel, 100 State Street, Montpelier
Contact: Jessica Hill (jhill@vlct.org)
Phone: 802-229-9111
Fax: 802-229-2211
Price: tba

A special day at the Vermont State House for local officials to hear about the status of pending legislation from VLCT and Vermont Municipal Clerks' and Treasurers' Association representatives, attend legislative hearings and speak with their representatives and senators at the Vermont Legislature.

Town Meeting Tune-Up

February 23, 2011

Sponsored by VLCT Municipal Assistance Center

Location: Montpelier Elks Lodge
Time: 8:30 am
Contact: Jessica Hill (jhill@vlct.org)
Phone: 802-229-9111
Fax: 802-229-2211
Price: \$55. VLCT PACIF, \$80. VLCT Members, \$125. Non-members

A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It focuses on the statutory requirements for town meeting, Robert's Rules of Order, and best practices for making it through Town Meeting unscathed.

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February 2011

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