



# Opinions

Office of the Vermont Secretary of State

Vol. 13, #3

March 2011

## 2011 Poster and Essay Contest

Deadline:

April 11, 2011

Page 8

## State Archivist Gregory Sanford Receives Matthew Lyon Award



Photo by Jeannette H.L. Wulff

Page 7

## Quote of the Month

*"I think we ought always to entertain our opinions with some measure of doubt. I shouldn't wish people dogmatically to believe any philosophy, not even mine."*

**Bertrand Russell (1872 - 1970)**

## In this Issue

Quote of the Month.....	1
Voice From the Vault.....	2
Tip of the Month.....	3
Opinions of Opinions.....	4
Civics Behind the Scenes....	9
Election Calendar.....	10
Upcoming Events.....	11

## A Message from the Secretary

By the time you read this, Town Meeting will have passed us by – I hope everyone has survived well and we can now look forward to the coming of spring. Soon we will be watching the snow melt, the mud dry, and the crocuses and daffodils blooming.



The legislature is busy and some of the issues we are working cooperatively on are: access to public records, open meetings, campaign finance, election law, and professional regulation.

I'd like to congratulate Calais Town Clerk Eva Morse who has retired after serving the Town of Calais for 46 years! From 1971-1979, Eva served in the Vermont House, while also serving as Town Clerk. Eva has been a great asset to the residents of Calais and she will be greatly missed!

State Archivist Gregory Sanford was recently honored by the Vermont Press Association with the Matthew Lyon Award for his lifetime commitment to the first amendment and the positive force he has been in support of the public's right of access to government records.

Now for some budget talk – We all hear and see the discussions of budgets and the impacts on services provided by state and local governments, here and nationally. I am pleased to say the Secretary of State's office has agreed (subject to legislative approval) on a FY12 budget with the Shumlin Administration which would be approximately 12 percent less than last year's approved general fund budget but should allow the office to maintain its current level of services.

One area of cost savings may be a change in the way this publication, *Opinions*, is distributed. Although we will continue to provide the newsletter on a monthly basis, we are considering publishing it only in an electronic format.

We would love to have your input:

- ◆ email: [secretary@sec.state.vt.us](mailto:secretary@sec.state.vt.us)
- ◆ fax: 802-828-2496
- ◆ post: 26 Terrace St., Montpelier, VT 05609-1101

If you would like to receive the *Opinions* electronically earlier, be sure to include the information from your current *Opinions* mailing label.

*Thank you for helping us keep Opinions running efficiently!*

James C. Condos, Secretary of State

# Voice from the Vault

## by Gregory Sanford, State Archivist

### The Complexity of Simplicity

Even the simplest of things can involve complex systems. To make a pencil you need a forest, bauxite, coal, and rubber (or substitute) for the wood dowel, the aluminum eraser holder, the graphite “lead,” and the eraser. You need processes to log and mine; transportation systems to bring the raw materials to their respective plants and the pencils to market; and manufacturing facilities for everything from turning bauxite to aluminum to producing the actual pencil. This interplay of the simple and the complex is described in Jeffrey Kluger’s book, *Simplexity*.

As I listened to testimony on H. 73, a public records bill, I remembered Kluger. The testimony touches on accountability and accountability is simplicity itself.

Article 5 of the 1777 Vermont Constitution stated, “That all power being originally inherent in and consequently derived from the people, therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.”

What could be simpler? But why weren’t judicial officers included? Why did the 1786 Vermont Constitution condition accountability by adding “in a legal way” between “at all times” and “accountable to them” (language that remains, now as Article 6)? There are reasons, but they are complex.

Complexity isn’t a bad thing and can be simply resolved. For years the legislature grappled with how, within the public record definition, to keep up with proliferating record formats. The definition mentioned “papers, documents, machine readable materials;” computer databases came and went from the definition like Brigadoon; and videotape, DVDs, and other formats were queuing up for inclusion. In 2008 the legislature resolved this by dropping mention of specific formats and simply adding “regardless of physical form or characteristics.”

Sometimes “simple” solutions create complexities. Back in the 1990s legislators encountered, as candidates, wildly divergent charges for copies of voter checklists. Each municipality had its own formula for determining the actual cost of providing copies. Legislators wanted, if not uniformity, at least standards for understanding how charges were determined.

The 1995-96 legislature amended 1 V.S.A. §316 to address this concern. It was simple. The secretary of state established by rule an actual cost schedule for copying records, including charges for staff time after the first half hour but “only for the time directly complying with the request...” Complexity then raised its head.

What did “time directly complying with the request” mean: only the time physically spent copying (and this was still largely a paper/photocopier world); time locating the requested records; time retrieving it from off-site storage; lawyers’ time to see if the record was exempt in whole or in part? And so on.

I wish I could say these questions are resolved, but they remain subject to debate. Some have managed to creep into H. 73. Let me digress.

In *Vermont State Employees’ Association v. Vermont Agency of Natural Resources* (Docket No: 517-7-10 Wncv) Judge Geoffrey Crawford denied the State’s assertion that actual cost charges could be applied to staff time used to provide records for *inspection*. Judge Crawford, however, acknowledged the State’s argument that new technologies require a digital record to be “copied” before it could be inspected: “The clear distinction between inspecting and copying when the [Public Records] Act was originally adopted no longer matters so much...” I think that simple explanation misses more complex issues but I won’t go there.

Consequently, H. 73 would allow charges for *inspecting* as well as for copying records. There is, understandably, disagreement about this. Another “simple” fix, however, has gained support. Private parties who prevail in a public records case should be awarded legal costs. Judges no longer “may,” but “shall” award legal costs.

Advocates for the change argue that court costs, even without hiring a lawyer, deter citizens from appealing a denial of access to records. Even if a citizen substantially prevails, some assert, litigation costs are rarely awarded. Making public agencies financially liable for inappropriately denying records is, therefore, essential to restoring accountability.

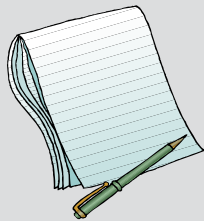
Further testimony suggested this might not be a simple solution. Should there be a “level playing field” with government eligible for litigation costs when it prevails? This would discourage “frivolous” law suits; but who defines “frivolous record request?” The public records laws are the only ones where the citizen, not government, is charged with enforcement. Can you charge a citizen for exercising a right?

What if there is more than one plausible interpretation of an exemption; if the denial was made in good faith but was overruled, should the government have to pay (and, some add, taxpayers, not the government, ultimately pay)? What does substantially prevail mean? If you are denied access to ten records and the court says you have rights to five, is that substantially prevailing? How do judges determine the awarding of costs? What if the winning lawyer’s rates and hours are way above average Vermont rates or the lawyer submits questionable charges; should the lawyer be fully compensated? How many record cases have there been and how often were costs not awarded the prevailing party?

Testimony continues. After all these years I still find such dialogues fascinating. Accountability is simplicity.

On February 4<sup>th</sup> a *Free Press* story on H. 73 was headlined: “Reforming Vermont’s public records access proves difficult.” Two days later a *Free Press* editorial proclaimed “Accountability is a simple issue.” My response to both is “Yes.”

## Tip of the Month



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

### Omissions and Mix-ups on Warnings

Each year the Office of the Secretary of State receives panicky calls from local selectboard members, school board members, and town clerks regarding either certain public offices that were inadvertently left off the warning and ballot or certain public offices that were warned for the wrong length of terms. In another town, two board members who were elected to a two and a three year term last year, submitted petitions for those same terms this year and members whose terms are ending on Town Meeting Day did not submit candidate nominating petitions.

It is our suggestion that each town and town school district clerk maintain a spreadsheet of all local offices including term length. If you update the list every time there is a resignation, or a term ending, then when you are preparing the warning and ballot, the spreadsheet will be your guide. This is a public record and should be checked by board members each year to make sure that members whose terms are ending know that it is time for them to petition to be candidates.

This year a number of towns or town school districts also omitted other articles from the warning. In one district, the budget article was omitted. It is the responsibility of the selectboard and school board to draft and decide what articles will be placed on the warning. In too many towns we hear that the town clerk or selectboard assistant is expected to prepare the warnings. School boards can ask your superintendent or business manager to compile a checklist of articles that need to be warned each year. Selectboards can ask town managers or selectboard assistants to draft a checklist of articles. However, in the end it is the responsibility of the boards to make sure that all articles are properly warned.

*If you have a tip to share, contact Alison Kaiser at [akaiser@townofstowevermont.org](mailto:akaiser@townofstowevermont.org)*

# Opinions of *Opinions*

## by Secretary of State Jim Condos

- 1. Reminder of votes requiring two-thirds instead of a majority vote 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 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 nonresident to speak after a voter has objected, to close nominations; and to postpone to a time certain (17 V.S.A. §2658).
- 2. Articles that are voted to be either "passed over" or "postponed indefinitely" cannot be raised at a future special or 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, but 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.
- 3. If a candidate whose name is printed on the ballot dies before the election, the name must be left on the ballot.** However, if other persons want to conduct a write-in campaign in order to try to fill the office rather than have a board appointment, this can be done. In some cases, the family of the candidate who died may want to make it known to the public and encourage some others in the community to run for the office. In some cases, voters will vote for the deceased candidate and those votes must be counted. If the deceased candidate receives the most votes, then the selectboard or school board will fill the vacancy or warn a special meeting for an election.
- 4. If no one is elected to a town or school office, then either the selectboard or the school board may either appoint someone to fill the vacancy, or may warn a special town meeting to have an election for the office.** 24 V.S.A. §963; 16 V.S.A. §424. If voters are unhappy with a board appointment, the voters can submit a petition signed by at least 5 percent of the legal voters to ask the board to hold an election to fill the vacancy.
- 5. When the selectboard fills a vacancy in a town office (or the school board fills a vacancy on the school board, the appointee of the board must be a qualified person, i.e., must meet all the statutory requirements to be elected to the position.** For example, if a school board member resigns creating a vacancy, the school board must fill the vacancy with a person who is a legal voter in the school district. 16 V.S.A. §424, 558; 17 V.S.A. §2646. If a person who is not a legal voter is appointed it could jeopardize action taken by the board. The chair of the school board or the chair of the selectboard should contact the town clerk to verify that a person is a legal voter before making an appointment.
- 6. There are some town offices for which there are no statutory qualifications, such as library trustee.** If the statutes creating the office are silent about qualifications, then the selectboard may appoint a non-resident. For some town boards, the statutes allow certain members to live out of town (see planning commission). Therefore, the selectboard must check the statutory qualifications for each office before making an appointment.
- 7. The town clerk is responsible for preparation of 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. The record or minutes must be approved and attested to by any two of the following: moderator, a selectboard member or a justice of the peace. The clerk shall request approval within seven days after each town meeting and the clerk's request shall be given prompt consideration.



8. **Public Question Articles for Town Meeting must be worded as questions that can be answered with a Yes or No.** 17 V.S.A. §2681a. There cannot be any “multiple choice” or “rate the following in order of preference” articles on a warning or on a ballot. If either a board or citizens want voters to indicate preferences from a list of options, then a survey could be prepared and placed outside the polling place (or be handed out to voters outside the polling place) or in towns with floor town meeting, the survey can be circulated and completed even inside the meeting hall.
9. **If a voter wishes to move for reconsideration of an article during a floor 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 town or school meeting.
10. **Australian ballot is not the same as a paper ballot in the Vermont statutes.** People often confuse the terms “written ballot,” “paper ballot,” and “Australian ballot.” They are different. A written ballot is a paper ballot vote used at a traditional school district or town meeting either when required by the statutes 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 (usually, 7 a.m.-7 p.m.) with printed ballots that are available 20 days prior to the school district or town meeting and 30 days prior to state primary or general elections for absentee voting.
11. **A petition signed by 5 percent (or the required percentage in towns that have voted to increase the required number of signatures) of the legal voters of the town or school district can be submitted to request reconsideration of an article within 30 days following the town or school meeting.** 17 V.S.A. § 2661(b). If a proper petition is submitted in a timely manner, the legislative body (selectboard or school board) must schedule and warn a special meeting to be held not later than 60 days after receipt of the petition to vote on the requested article. The law now requires that if there is a special meeting warned for reconsideration of an article, the number of votes cast in favor of reconsideration must exceed two-thirds of the number of votes cast for the prevailing side at the original meeting (unless the town already voted to increase or decrease the percentage). This 2007 amendment to state law was intended to prevent a very small number of voters at a special meeting from reversing the result on an article that was voted by a substantially greater number of voters at the annual meeting.
12. **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.** A reconsideration is really an extension of that town meeting, and we believe that absent voters should have the opportunity to participate.
13. **While 17 V.S.A. §2661 provides a method for reconsideration of public questions and budgets, the election of officers cannot be reconsidered by filing a petition with the legislative body.** 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.
14. **Selectboard Must Elect Chair and Set Meeting.** At its first meeting following the annual meeting the selectboard is required to elect a chair, and, if so voted, a clerk (of the board), and file a certificate of such election in the office of the town clerk. The board then adopts rules of procedure (Roberts Rules for Small Boards, or any other rules, including ones made up by the board) and sets the schedule for its regular meetings by resolution. The board should decide how the agenda for each meeting will be created. In some towns the chair prepares the agenda, but the best practice is to allow all members of the board a chance to propose items for the agenda. At its organizational meeting the board must appoint a legal voter to be the tree warden. The board may appoint, but is not required to appoint, three fence viewers; a poundkeeper (who is not required to be a legal voter), one or more inspectors of lumber, shingles and wood, and one or more weighers of coal. 24 V.S.A. § 871 (as amended in 2008).

- 15. Board May Choose to Rotate Chair.** In one town no board member wished to serve as chair so the board agreed to rotate the position. There is no law that would prevent this, although it might make sense not to rotate the chair from meeting to meeting since this might be confusing for the public and for town officers and employees who have to work with the board.
- 16. 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.
- 17. Union School Officers Take Office on July 1, Except for Moderator.** “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.
- 18. Not Every Local Official Must Get Paid.** While some officers, such as clerk, treasurer and tax collector have fees set out by statute, Vermont law states that unless compensation is fixed by law or by vote of the town or town school district, local officials cannot demand payment for their services to the town. However, the law provides that if an official makes a request for payment the auditors must report the claim as well as the nature and extent of the services at town meeting. 24 V.S.A. § 931.
- 19. Town or Selectboard May Set Salary.** A town may vote to compensate any or all town officers for their official services. 24 V.S.A. § 932. However, when a town does not set a salary or stipend for an officer (or for town employees) the selectboard may fix the salary. Note that they may not set their own salary – but the selectboard’s salary can be fixed by the auditors at the time of the annual town audit. Or, if the town has voted to eliminate the office of auditor and the voters fail to fix the compensation to be paid to members of the selectboard, selectboard members shall be compensated at the rate at which they were compensated during the immediately preceding year. 24 V.S.A. § 933
- 20. If voters want to continue the meeting at a later date, it is generally best to make a motion to adjourn to a date and time certain.** If this motion is made, then the adjourned meeting can continue in less than 30 days and does not need to be warned again although we strongly suggest that public notices be posted. This motion can be used in the event of bad weather, other emergencies, or when the voters need more information that will be available at a later date such as on a school budget vote.

*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.*

Please join us in congratulating  
**Vermont State Archivist Gregory Sanford**



*Left to right: Mike Donoghue/VPA, Gregory Sanford, Governor Peter Shumlin  
Photo by Jeannette H.L. Wulff*



recently honored by the  
**Vermont Press Association**  
as recipient of the  
**Matthew Lyon Award**

*Left to right: Gregory Sanford, Bethany Dunbar/VPA President  
Photo by Jeannette H.L. Wulff*

for his lifetime commitment to the First Amendment  
and support of the public's right of access  
to government records



*Left to right: Ondis Eardensohn and Gregory Sanford  
Photo by Jeannette H.L. Wulff*



## 2011 Poster and Essay Contest

The Secretary of State's Office is gearing up for the 2011 Poster and Essay Contest. Students from kindergarten to grade 12 are eligible to submit posters or essays about designated topics.

### Contest Awards

**A \$100 prize will be awarded to the First Place winners' classrooms for the purchase of materials, or to fund field trips, related to civics education or the study of Vermont.** In the event that a First Place Winner is a Home Schooled student, a \$100 donation will be awarded to the public library of the student's choice.

First Place winners, their families, and their classes, as well as any Honorable Mention recipients and their families, will be invited to an awards ceremony on May 23, 2011 at the State House in Montpelier. They will also tour the State House and visit the Vermont Historical Society Museum.

**All entry submissions must be postmarked by April 11, 2011, and sent to:**

**Olivia Gay  
2011 Poster and Essay Contest  
Office of the Secretary of State  
26 Terrace Street  
Montpelier, Vermont 05609-1101**

**or e-mail: [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us)**

**For contest rules and detailed information visit:**

[www.sec.state.vt.us/kids/contests-infopage.html](http://www.sec.state.vt.us/kids/contests-infopage.html)

or contact

Olivia Gay by phone 802-828-1296 / e-mail [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us)

# Civics Behind the Scenes

by Olivia Gay, Civic Education and Voter Outreach Coordinator

## VOLUNTEERISM AND MUNICIPAL GOVERNMENT

With Town and City Meetings this month, we are all aware of how municipal government depends on the volunteer efforts of community members. Many towns and cities have notices on their websites for volunteers. Here is one from the Town of Williston:

Three reasons why you should volunteer

1. Strong Tradition - The Town of Williston has a strong tradition of community participation, one of which is through service on a board or commission.
2. Rewarding Efforts - Volunteers are involved in preparing ordinances and regulations relating to land use. They may also be involved with helping to develop and oversee different types of services such as recreation or perhaps they may work towards preserving open space or the historic nature of the village. These efforts can be quite rewarding and provides an opportunity for each participant to contribute to the community.
3. Participation is critical - Citizen participation is critical to the success of a democratic government form. "A community without regular interaction among citizens is less a community than a random collection of people. Without active participation, it is difficult for a community to agree on what problems to address and how to move forward collectively to solve them."\*

\*From an article published by the National Civic League, "Apathetic Citizens? Not when they can Make a Difference" (Denver, Colorado)

Here at the Secretary of State's office, we help to support this kind of volunteerism through our publications and programs. One of our interns, Meghan Hoyne Wingate has been seeking out information on opportunities for students to volunteer on municipal Planning Commissions as she is doing in her hometown of Montpelier. She has found a few others that do but it is not the norm. If your town or city does have a place on your commission for students, please let us know. We'd like to get that information out to teachers so they can let their students know that there's a way to get involved in planning for the future, their future.

Another great avenue for promoting citizen participation in schools is Project Citizen, a program of the Center for Civic Education. Former State Coordinator, Bill Haines comments on the outcomes of Twinfield Union School's Project Citizen: "[Students researching the potholes in the school driveway] had to find the pressure point: Is it the principal, the school board, the superintendent? They had to ask, How do we push the right buttons to change the public policy? One key thing students learn is how change is made; they become agents of change. They also learn communication skills to persuade the public officials and community to accept their point of view."

Vermont Project Citizen is currently in flux, looking for a permanent administrative home now that Bill Haines has retired. So there may not be statewide coordination this year, but if you are interested in learning more about this program, you can contact this office.

For information about these programs and our other efforts in Civics Education, please contact Olivia Gay at 802-828-1296 or [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us), or visit our website <http://www.sec.state.vt.us/kids>

# Elections Calendar

## **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)

## **APRIL 2011**

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)(B)

## **MAY 2011**

30 - In towns using Australian ballot, town clerk may open and destroy used town meeting ballots and tally sheets, except as otherwise provided by law (90 days after town meeting election). 17 V.S.A. § 2590(d)

## **JULY 2011**

15 - Last day for U.S. Congressional candidates to file FEC quarterly reports for the July quarter (Apr. 1-Jun. 30). 2 U.S.C. § 434(a)(2)(B)

15 - Candidates for statewide office and general assembly who have made expenditures or received contributions totaling over \$500 must file a campaign finance disclosure report. 17 V.S.A. § 2811(d)

## **AUGUST 2011**

26 - TBD (Date dependent on caucus date, which is set by state chairman) First day for the chairman of a state committee of a political party to mail a notice of the date and purpose of the reorganizational caucuses to each town clerk and to each town chairman of the party. 17 V.S.A. § 2302 (14 days before date set for caucus which is set for a date between September 10 and September 30.)

## **SEPTEMBER 2011**

10 - First day for members of political party to meet in caucus in their respective towns. 17 V.S.A. § 2302

15 - By September 15 of each odd-numbered year the board of civil authority shall review the most recent checklist name by name and consider, for each person whose name appears on the checklist, whether that person is still qualified to vote. 17 V.S.A. § 2150(c)

16 - (This could change depending on what the date of the caucus is set for.) Last day for the chairman of a state committee of a political party to mail a notice of the date and purpose of the caucuses to each town clerk and to each town chairman of the party. 17 V.S.A. § 2302

20 - Town clerks must send a letter certifying compliance with 17 V.S.A. § 2150 to the secretary of state. 17 V.S.A. § 2150(d)(7)

30 - Last day for members of a political party to meet in caucus in their respective towns. 17 V.S.A. § 2302

Within 72 hours after the caucus, the chairman and secretary of the town committee shall mail to the secretary of state, the chairmen of the state and county committees, and the town clerk a copy of the notice calling the meeting and a certified list of the names and mailing addresses of the officers and members of the town committee and delegates to the county committee. 17 V.S.A. § 2307

## **OCTOBER 2011**

17 - Last day for U.S. Congressional candidates to file FEC quarterly reports for the October quarter (July 1-Sept. 30). 2 U.S.C. § 434(a)(2)(B) and 17 V.S.A. §2103(13)

## **DECEMBER 2011**

26 - First day to warn the first public hearing if charter adoption, amendment or repeal is to be voted at town meeting (70 days before town meeting). 17 V.S.A. §§ 2641(a), 2645(a)(3) and (6)

## **JANUARY 2012**

5 - Last day to warn the first public hearing if charter adoption, amendment or repeal is to be voted at town meeting (60 days before town meeting). 17 V.S.A. §§ 2641(a), 2645(a)(3) and (6)

January 25 (Sunday)

25 - First day town clerks may post warnings for town meeting (40 days before the meeting). 17 V.S.A. §2641(a)

25 - Last day for receipt of petitioned articles to be added to the town meeting warning. (Petition must have been signed by five percent of the legal voters of the municipality.) 17 V.S.A. § 2642(a)

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

# Upcoming Events

## **VIT - Public Service Board Proceedings and The Municipal Role**

**March 10, 2011**

*Sponsored by VLCT Municipal Assistance Center and Vermont's Regional Planning Commissions*

Location: Vermont Interactive Television Sites  
Time: 6:30pm  
Contact: Jessica Hill (jhill@vlct.org)  
Phone: 802-229-2211  
Fax: 802-229-2211  
Price: \$45 VLCT PACIF members, \$55 VLCT Members, \$75 Non Members

Municipalities are partially pre-empted from regulating renewable energy and wireless communication facilities through zoning. Petitions for most of these facilities go before the Public Service Board (PSB) to obtain a Certificate of Public Good (CPG) according to Vermont law (30 V.S.A. § 248), instead of zoning or Act 250. Municipalities have options for participating in this process. But how does this process play out? This workshop will explain a municipality's options for participating in the quasi-judicial process before the PSB, and how a municipality can prepare to effectively participate. This is an evening event.

## **Selectboard Institute I**

**March 26, 2011**

*Sponsored by VLCT Municipal Assistance Center*

Location: Rutland Holiday Inn, 476 US Route 7 South, Rutland VT 05701  
Time: 8:30am  
Contact: Jessica Hill (jhill@vlct.org)  
Phone: 802-229-9111  
Fax: 802-229-2211  
Price: \$55 VLCT PACIF, \$80 VLCT Members, \$125 Non-members

The Selectboard Institute is an annual program that focuses on the unique roles and responsibilities of 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 experiences. In 2011, the Selectboard Institutes I and II are offered in two locations. Staff members who report to the selectboard are welcome as well.

# 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: [secretary@sec.state.vt.us](mailto:secretary@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

Redstone Building  
26 Terrace Street  
Montpelier, VT 05609-1101  
802-828-2363  
[www.sec.state.vt.us](http://www.sec.state.vt.us)

Office of the Vermont Secretary of State  
March 2011

# Opinions

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