

# Opinions

Office of the Vermont Secretary of State



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## A Message from the Secretary

For over 200 years, Town Meeting Day has been an important political event in Vermont. Gathering together to elect local officers, voting on budgets and making important decisions affecting our towns is a tradition of which we are proud. But we all know how fragile this form of direct democracy

can be. That's why it is so important to teach our children about the importance of town meeting.

This year over 100 Vermont schools will be using curriculum materials designed to educate our children about the tradition of town meeting.

**Town Meeting – A Vermont Tradition** is a middle school curriculum. The booklet includes suggestions for classroom activities and articles designed to stimulate classroom discussion about the pros and cons of Australian Ballot voting versus floor meetings, and whether it is appropriate to be discussing state and national social and political issues as part of town meeting.

**Town Mouse and Country Mouse Go To Town Meeting** was designed for children in 3rd – 5th grades. Its fun illustrations walk the children through town meeting and Australian Ballot voting, highlighting the differences between these two forms of voting. It also includes fun activities and a teacher's guide with ideas for classroom discussions and activities.

**The Town Meeting Coloring and Activity Book** was designed as an early elementary curriculum. It includes

basic information about Vermont's town meeting with easy to color pictures and other fun activities.

The Town Meeting Coloring and Activity Book can also help keep young children busy at your meeting!

It is my hope that by teaching our children about town meeting, this tradition will continue to be a vital part of Vermont's community experience. Please encourage your school to participate!

For free copies of this curriculum for your school or to give out at your town meeting contact Sarah Alberghini at [salberghini@sec.state.vt.us](mailto:salberghini@sec.state.vt.us), 802-828-2148. These booklets are also available online at [www.sec.state.vt.us](http://www.sec.state.vt.us).

Deborah L. Markowitz, Secretary of State

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# Voice from the Vault

By Gregory Sanford, State Archivist

While most Vermonters talk of Town Meeting “Day,” municipal clerks experience town meeting season. Putting together the warning, getting the town report published and distributed, preparing ballots, including for this year’s presidential primary, and myriad other tasks consume months of clerk time so that the day runs smoothly. The success of the day can be measured by the invisibility of the clerk. The last thing clerks need is a suggestion for more work.

Let me make one anyway. Town meeting may be celebrated as democracy in action, but it is also, or could be, show time for municipal clerks and the records they manage. Few Vermonters appreciate the scope of responsibilities their clerk must perform. Fewer still understand the importance of municipal records to their lives. Lacking understanding, citizens are unaware of the issues, and costs, of complying with these responsibilities. Town meeting day is a great educational opportunity for informing local residents of those issues.

Here are a few suggestions, many drawn from conversations with clerks:

—have a display on the number of property transfers that have occurred in the last year or two, and the amount of money and economic activity dependent on the records that provide evidence of those transfers. One quick way to put together figures is to visit the Tax Department’s web site and use their town breakdown of property transfers. Go to <http://www.state.vt.us/tax/statistics/statisticspropertytransfer.htm> for statistical compilations of property transfers since 1999.

—display the number of land record volumes that have been compiled in recent years, along with the financial amounts captured in those pages. John Cushing of Milton and others have begun to compile such lists showing the growing rapidity with which land record volumes are filled (and fill vaults) and the amount of money represented by each volume.

—display a volume in need of restoration, as well as the cost of restoration. Such a display makes a conservation budget request more “real” by providing visible, tactile evidence of the condition and costs of restoration work.

—in connection with displays, pose questions to residents that highlight the importance of the records to them as a community and as individuals. For example, ask how they would sell or refinance their property if fire, theft or inadequate resources made their deeds and mortgages inaccessible.

—display minutes from early town meetings. Whatever recollections of social studies may scar our memories, most people have an interest in the history of their community. Displaying minutes is again a tactile link to community history and pride.

These are a few, relatively simple suggestions for making the work of clerks more visible and understandable to residents. I am sure that many of you have other, better ideas.

Yes, this is a busy time of year. But it is also a time of opportunity, a time to celebrate all that you do.



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

More information can be found at [www.vlct.org](http://www.vlct.org), email us at [info@vlct.org](mailto:info@vlct.org) or call 800/649-7915 or 802/229-9111.

## February 2004

### **Thursday, February 5th: Moderators' Town Meeting Tune-up, Suzanna's Restaurant, Berlin**

A parliamentarian's paradise, this annual workshop is designed for seasoned and new town moderators and will focus on the statutory requirements of town meeting, Robert's Rules, and best practices for making it through unscathed.

### **Wednesday, February 11th: Local Government Day , Capitol Plaza Hotel, Montpelier**

A special day at the Vermont State House for local officials to hear about the status of pending legislation from VLCT and VMCTA representatives, attend legislative hearings, and speak with their representatives in the Vermont Legislature.

### **Thursday, February 19th: Making Grants Work for Your Municipality, Capitol Plaza Hotel, Montpelier**

This workshop will bring together multiple private and public grant funders for municipal projects ranging from downtown revitalization to public works.

## March 2004

### **Thursday, March 11: Planning & Zoning Series #3: Child Care Facilities, Vermont Interactive TV**

The 2003 legislative session added a new planning goal to 24 VSA Chapter 117: ensure the availability of safe and affordable childcare and integrate childcare into the planning process. This evening workshop will provide guidance in implementing this new goal.

### **Thursday, March 18: Town Highways, Suzanna's Restaurant, Berlin**

With 80 percent of the state's roads under local stewardship, town highway maintenance is of great concern to citizens and businesses. This workshop will focus on the legal, pragmatic, and budgetary concerns involved in managing a town highway system.

## Quote of the Month

The punishment suffered by the wise who refuse to take part in the government, is to live under the government of bad men.

Plato (B.C. 427?-347?)



# Opinions of Opinions

- 1. Certain Officers Are Elected By Paper Ballot.** In towns that have not adopted the Australian ballot system of voting for local offices, Vermont law requires the use of paper ballots during the town meeting for election of officers to the selectboard, listers, auditor, road commissioner, and water commissioners. 17 V.S.A. §2646.
- 2. Majority Vote Is Required To Elect Officials At Floor Meeting.** Vermont law requires local officials to receive a majority of all votes cast in order to be elected during an open town meeting. 17 V.S.A. §2660. Candidates who receive a plurality of votes will be elected in towns that use the Australian ballot to vote for officers. In a floor vote, if no candidate receives the majority in the first paper ballot, then another vote must be taken. If no person has obtained a majority by the end of the third vote, then the moderator shall announce that the person who received the least votes in the last vote shall no longer be a candidate, and continue voting in like fashion until a candidate receives a majority.
- 3. Write in Candidate Needs At Least 30 Votes Or 1% To Be Elected.** The law sets a minimum threshold for a person seeking election on a write-in campaign. 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 1% of the registered voters, whichever is less. 17 V.S.A. §2683(c).
- 4. Political Party Designation For Local Office Rare – But Possible.** Few communities include political party designations for local offices. In most cases it is done because the Municipal Charter provides for such listing. However, the law permits political party designations if the town has voted to provide for such listings, or in the absence of such a vote, if the legislative body votes to permit political party designations.
- 5. Upon The Request Of Seven Voters, Paper Ballots Are Used For Non-Election Articles.** If at least seven voters support a request that paper ballots be used for voting during a special or annual meeting, then paper ballots must be distributed and used. 17 V.S.A. §2658. This request must be made separately for each article. Generally one person makes the motion to call for paper ballots and the moderator looks to see whether there are six people who would “second” the motion.
- 6. Guardian May Not Register Or Vote On Behalf Of Charge.** 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. A person may receive assistance in completing an application to the checklist but the citizen that is applying must sign the application for him or herself. When a person is physically unable to sign their names on the voter registration form, they may mark an X or take an oath swearing to the statement on the form. This mark or oath has to be witnessed and attested to by someone such as a town clerk, a notary public, a justice of the peace, etc. 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.

- 7. Voters May Sign Only One Nominating Petition Per Seat That Is Open.** Candidates who run for local office, where that office is voted on by Australian Ballot must bring in a nominating petition signed by 30 voters or 1% of the checklist (whichever is less) of the municipality. A petition may only contain the name of one candidate. A voter may not sign more than one petition for the same office, unless more than one seat to be filled, in which case the voter may sign as many petitions as there are nominations to be made for the same office. 17 V.S.A. § 2681. Note that when there is more than one vacancy in a board, but the vacant positions have different term lengths, each vacancy is considered a different office.
- 8. Non-voters May Only Speak At Town Meeting With Permission of the Assembly.** 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 the motion, such as non-voters may speak to an issue only once, for a time not to exceed five minutes, etc.
- 9. Moderator May Reject Amendment If Not Germane.** The moderator can only allow amendments to articles that are reasonably related to the article as warned. The purpose of the town meeting warning is to enable voters to know what issues are going to be decided. Because no decisions can be made on issues that were not warned, it would not be a valid act of the town to amend an article so that it is no longer relevant or germane to the original Article. *See Kaeser v. Town of Starksboro*, 116 Vt 251 (1950)
- 10. Voters May Challenge Ruling of Moderator.** During a traditional floor voting town meeting, any voter can challenge any ruling on points of order by the moderator by requesting that the issue be put to the vote of the assembled voters. Many wise moderators will encourage voters to challenge a ruling when they are in doubt by prefacing the ruling such as “The chair is doubtful, but will rule that ....” This encourages a voter to rise to challenge. Robert's Rules provides that any voter can rise to ask that the ruling be voted upon by the voters present. It is difficult for any moderator to know every rule and anticipate every type of motion that may be presented. Robert's Rules thus allows the majority of those voters present to decide what is fair and just under the circumstances.
- 11. Voters May Limit Debate By 2/3 Vote.** In order to limit debate on a motion a vote of two-thirds is required. A motion to limit debate takes precedence over all debatable motions and can be applied to any or all pending debatable motions. Of course, it is out of order when another voter has the floor. The motion itself must be seconded and is not debatable. Simply moving the previous question can also close debate. This also requires a two-thirds vote.
- 12. Absentee Ballots Must Be Available 20 Days Before Town Meeting.** Towns that hold Australian Ballot voting must make Early and Absentee ballots available at least twenty days prior to town meeting. 17 V.S.A. § 2681a.
- 13. Electorate Sets Date Of Annual Meeting.** The school board cannot change the date of the annual school meeting on its own motion. Rather, it must be voted by the electorate. The voters must authorize changing the date of 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.
- 14. Town and Town School District Moderators Are Separate Offices.** The town school district must elect a moderator as the first order of business at its floor meeting or by Australian ballot, if the district has voted to elect all officers by Australian ballot. Although the same person may serve as Town Meeting Moderator and School District Moderator, separate candidacies — and in Australian ballot districts, separate petitions — are required.

- 15. A Town Vote To Move to Australian Ballot Applies To The Following Meeting.** If a town wishes to change the way it elects its officers, or votes its budgets, or public questions, it must place an article on the warning as directed in 17 V.S.A. § 2680. 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 for officers or public questions, and at the next annual meeting for budgets.
- 16. Town Clerks Must Provide Union School District Clerk With Updated Checklist.** Vermont law requires town clerks whose towns are members of a union school district to be open for voter registration on the second Saturday before the Union School District Elections. After the checklist is updated, the clerk must provide an authenticated copy of the checklist to the Clerk of the Union School District. 16 V.S.A. § 706u. Note that section 706u incorporates by reference the provisions of Title 17 that require the town clerk to have office hours on the second Monday before each election to allow residents to register to vote.
- 17. Election To Incompatible Offices Creates Vacancy.** 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 that must be filled according to statutory procedures, usually by the selectboard posting a notice of a vacancy and then making an appointment. Under Vermont law, the “runner-up” or next highest vote getter does not “move up” or become the winner.
- 18. Moderator Should Review Rules At The Start of Town Meeting.** 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. 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 procedural issue, and have the procedural issue decided by the voters present.
- 19. Moderators Should Not Comment On Legality Of Article.** It is best practice for moderators at the annual meeting to refrain from speaking to the legality of an article or to give an opinion about the legal effect of taking action on or passing over an article. Even a well-intentioned comment about 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 the moderator feels compelled to enter the discussion, the moderator should call for a moderator pro tem to take over, and step down while he or she participates in the debate.
- 20. Only Legal Voters Can Be Elected To Town Office.** 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. So long as the person is on the checklist by the day of election he or she is eligible for election. The town clerk must add the names of all eligible persons who have properly completed and submitted applications to the checklist before noon on the second Monday before the election.
- 21. School Officers Are Generally Not Permitted To Work For The District.** A school board member may not be regularly employed by the school district or by a school district within the same supervisory union or by the same supervisory union during the board member's term of office. A person who works for the school may run for the school board – but if elected he or she must resign from his or her position with the school in order to serve. Note that the education commissioner may waive this rule for employment of a specific individual as a substitute teacher, coach or supervisor of extracurricular activities for a period not to exceed one year. (Note that the year may be renewed, in circumstances in which the school district or supervisory union is unable to hire another qualified person through no fault of its own.) 16 V.S.A. § 558.

**22. Second Constable Does Not Work for First Constable.** The Second Constable, whether independently elected or appointed is NOT supervised by the First Constable. In fact, nowhere in law is the First Constable given any authority over the Second Constable. The law simply permits a town to elect (or appoint) a Second Constable if it deems necessary. The only difference in authority between the two constables is that only the First Constable collects taxes in the event that no tax collector is elected. 17 V.S.A. § 2646(7); 24 V.S.A. § 1936a.

**23. Listers Have No Authority To Spend Town Money.** Listers may not spend town money or enter into binding contracts. Unless the law specifically authorizes an official to spend money or to draw orders on the accounts of the town, or to enter into contracts that bind the town the official does not have that authority. In most cases only the selectboard can sign orders for purchases or make contracts for the town. This means that the board of listers may not purchase equipment or contract with an assessor without the agreement of the selectboard. 24 V.S.A. § 1622, 1623; 24 V.S.A. § 1236 (Town Manager can make purchases for the town.).

*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 from the VMCTA



**This month's tip is from Linda Spence, Manchester Town Clerk**



We keep envelopes on file with the mailing addresses for each State's election officials and when we receive an addition to our checklist, we merely place the other state's copy in the envelope and mail them out about every six months or so. When one is mailed we just redo another one for that state and place it back in the file.

It works great!

If you have a good tip that you would like to share with our readers please email it to Sandy Harris at [vermontc@sover.net](mailto:vermontc@sover.net) or mail them to:

**Sandy Harris- VMCTA President**  
Town of Vernon  
567 Governor Hunt Rd  
Vernon, VT 05354

# Town Meeting Reminders

## Getting Ready at the Polls

Town clerks should furnish presiding officers with one or two certified copies of the checklist, depending on whether the town has opted not to use an exit checklist. 17 V.S.A. § 2507.

Town clerks must also deliver sufficient quantities of the ballots to the presiding officer. 17 V.S.A. § 2479.

The presiding officer should assign specific duties to each election official, ensuring that the election officials work in pairs, with each pair containing members from different political parties if possible. 17 V.S.A. § 2562.

### Opening/Closing Polls

In an Australian Ballot Election the presiding officer declares the polls open on the day of the election between 5 a.m. and 10 a.m. (the specific time is set by the board of civil authority or by the voters), and declares the polls closed at 7 p.m. 17 V.S.A. § 2581.



Town meeting begins at a time designated by the legislative body, unless the town has voted a specific time at a previous meeting. 17 V.S.A. § 2655.

### Public Discussion and Politicking in the Polling Place

In towns that start their annual meeting on one of the three days preceding the first Tuesday in March, and use the Australian Ballot system on Tuesday, public discussions of ballot issues and all other issues appearing in the warning, other than election of officers, is permitted at the Saturday, Sunday or Monday meeting. 17 V.S.A. § 2640(c).



Neither the warning, the notice, nor the ballot itself shall include any opinion or comment by any town body or officer or other person on any matter to be voted on. 17 V.S.A. § 2666.

In an Australian Ballot Election the presiding officer should ensure that within the building containing the polling place no campaign literature, stickers, buttons, information on write-on candidates or political materials are placed, handed out, or allowed to remain and that no candidate, election official or other person distributes election materials, solicits voters or otherwise campaigns. 17 V.S.A. § 2508.

Outside the building, the presiding officer must ensure that voters can enter and leave the polling place without interference from candidates or other citizens. 17 V.S.A. § 2508. The provisions of this section apply equally to election of candidates as to votes on public questions, including the budget, if done by Australian Ballot vote.

## Maintaining Order at Town Meeting

In traditional town meeting the moderator must follow reasonable and necessary procedures to ensure that people who are not voters of the town do not vote. 17 V.S.A. § 2656.

The moderator must preserve order in the conduct of business and debate. If a person, after notice, continues to be disorderly and refuses to withdraw from the meeting, the moderator may order him to be removed by the constable or some other person. 17 V.S.A § 2656. A person who disturbs town meeting may be fined \$200 by the district court.

Remember that while Robert's Rules of Order or some other rule of order must be followed at town meeting, these rules have been modified by state law. For example, the assembly must not reconsider articles already voted once consideration of another article has begun; when a vote declared by the moderator is immediately questioned by one voter, the moderator shall divide the meeting, and if requested by seven voters, the moderator must take the vote by paper ballot; the assembly may take no binding action during the “other business” portion of the meeting; the moderator shall allow sufficient time for voters to cast paper ballots whenever that method of voting is to be used. 17 V.S.A. §§ 2660(d); 2661(a).

## Accessibility of Town Meeting

The legislative body must take reasonable measures to ensure that elderly or disabled voters may conveniently attend town meeting. Sign Language interpreters must be provided, if necessary. 17 V.S.A. § 2667 and the Americans with Disabilities Act. Town meeting must be held in an accessible location.

The board of civil authority must take reasonable measures to ensure that disabled and elderly voters may conveniently and secretly cast their votes. If it is not possible to hold the election in an accessible location, election officials must be permitted to carry a ballot to an elderly or disabled person in order to permit that person to mark his or her ballot while in a motor vehicle adjacent to the polling place. 17 V.S.A. § 2502.

A voter who declares to the presiding officer that he or she needs assistance to vote may bring a person of his or her choice into the voting booth (so long as it is not the voter’s employer or union representative) or the voter can ask the presiding officer to direct elections officials to assist the voter. Those rendering assistance may not divulge information about the choice of the voter or manner in which the vote was cast. 17 V.S.A. § 2569.

## Election of Officers

In order to be elected as a write-in candidate in an Australian Ballot election when no other candidate has received a greater number of votes, a candidate must receive 30 votes or the votes of 1% of the registered voters of the town, whichever is less. 17 V.S.A. § 2682 (c).

The offices of selectboard, lister and auditor must be elected by paper ballot (unless it is done by Australian ballot). The offices of road commissioner and water commissioner, if elected, must also be elected by paper ballot. 17 V.S.A. § 2646.

When there is a single candidate, unless any voter opposes this, the town may agree to ask the clerk to cast one ballot for the candidate. 17 V.S.A. § 2660(b).

A majority of those present and voting is required to elect an officer by paper ballot (unless the vote is by Australian Ballot.) This means that if there are three candidates, none of whom receive a majority of the votes by the third ballot, you must eliminate the candidate with the least votes and repeat the procedure until someone receives a majority of the votes. 17 V.S.A. § 2660(c).

# February 2004

## February 1:

- Deadline for Tax Collector to turn over moneys collected and settle account with Treasurer. 24:1532
- Last day for Listers to file corrected grand list for preceding year in order to render it valid. 32:4112
- Last day to hold first public hearing on charter amendments if article is to be voted at Town Meeting. 17:2645(a)(3)
- (Not less than 30 days before Town Meeting) Last day for municipality to post warning and notice of Town Meeting and notice of Presidential Primary for Major Party Candidates. Instructions for voting procedures and contact information shall also be posted. 17:2641(a), 2642, 2521(a)
- The most recent checklist of the town should also be posted at this time, wherever the warning and notice is posted. In towns that divide their checklist, that portion of the checklist that applies to the district should be posted. 17:2141, 2501, 2521(a)

**February 6:** (25 days before Town Meeting) Auditors must meet by this date to examine and adjust town finances. 24:1681  
Town officers must settle accounts with Auditors to be eligible for re-election. 24:992

## February 11:

- (In towns using Australian Ballot 20 days before election) Under direction of the Town Clerk, ballots must be back from printer. 17:2681a(a)
- (Not later than 20 days prior to Special Primary Election) Last day for Town Clerk to post sample ballots in the same places Clerk has previously posted copies of the warning, notice and checklist. 17:2522(a)

**February 12:** Lincoln's Birthday. 1:371

**February 16:** Washington's Birthday. 1:371

**February 20:** Last day for legislative body to post warning for public informational hearing on any public question to be voted by Australian Ballot at Town Meeting. 17:2680(g)

## February 21:

- (At least 10 days before Annual Meeting) Auditors' Report, or the findings of the public accountant employed in accordance with 17:2651(b), must be distributed. 24:1682, 17:2651b Selectboard must mail or otherwise distribute Town Meeting warning in annual town report by this date to avoid publishing warning in newspaper. 17:2641(b)
- (Not later than 10 days before local election) Last day for Town Clerk to post sample ballots in the same places Clerk has previously posted copies of the warning, notice and checklist. 17:2522(a)
- (At least 10 days before the election) Voting machines must be tested using official ballots that are clearly marked "test ballots". 17:2493(b)

## February 23:

- (Second Monday before the election) Town Clerk's office must be open from 10:00 a.m. or earlier until at least 12:00 noon for the purpose of receiving applications for addition to the checklist. 17:2144(a), Last day for Town Clerk to receive a request for an application for addition to the checklist simultaneously with a request for an early voter or absentee ballot. 17:2532(b)(c), Last day (up to 12:00 noon) for people who are not eligible to register to vote by this date, but who will be by election day, to file a written notice of intent to apply with the Town Clerk. 17:2144(b)(c)
- (10 days before the election) Candidates for Town Meeting local election who are spending more than \$500 must file a campaign finance report with officer with whom nominating papers were filed. If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17:2822, 2103(13)
- (During the eight days before and on the day of the election) In towns using Australian Ballot, Town Clerk must divide the list of ill and physically disabled applicants 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. 17:2538(b)(c)

## February 26:

- (At least five days before Town Meeting) Last day for Town Clerk to forward to Board of Civil Authority a list of voters added to the checklist. 17:2144b(d)
- (Five days before Town Meeting) Treasurer must settle accounts with Auditors. 24:1578
- Town Meeting Warning must be published in newspaper by this date if town report has not been distributed otherwise. 17:2641(b)

**February 28:** (At least three days prior to election) By this date Board of Civil Authority must designate pairs of Justices assuring political balance in each pair to deliver ballots to ill and disabled voters in towns using Australian Ballot. 17:2538(a)

**February 28-29:** (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 Selectboard). 17:2640(b)(c)

# March 2004

## March 1:

- In towns using Australian Ballot, an early or absentee voter, or an authorized family member or health care provider acting on the voter's behalf, may request an early voter absentee ballot until 5:00 p.m. or the closing of the Town Clerk's office. 17:2531(a), 2532(a)
- 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. 17:2452
- Prior to the day of the election, Board of Civil Authority must appoint Assistant Election Officers to work at the polling place(s) and may provide them with guidance in the conduct of their election duties. 17:2451, 17:2454
- Last day for Board of Civil Authority to meet to revise checklist before Town Meeting. 17:2142
- Last day for legislative body to hold public informational hearing on any public question to be voted by Australian Ballot at Town Meeting. 17:2680(g)

## March 2:

- TOWN MEETING DAY and PRESIDENTIAL PRIMARY (First Tuesday in March). 1:371, 17:2640(a), 17:2701
- At all elections using the Australian Ballot system the polls shall open no earlier than 5:00 a.m. and no later than 10:00 a.m. (Opening hour set by the Board of Civil Authority) Polls remain open until 7:00 p.m. 17:2494, 17:2561, 17:2561(a)
- (Before polls open) In towns using Australian Ballot, Town Clerk must give Election Officials a list of those voters who have already cast early or absentee voter ballots, post the warning, notice, and sample ballot of each polling place(s). 17:2548(a). A copy of the list of early or absentee voters must be made available upon request at the Town Clerk's office and on election day at polling place(s). 17:2534
- 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. 17:2508
- For those who became eligible to vote after the second Monday prior to Town Meeting and had notified the Town Clerk of intent to apply for addition to the checklist, the Town Clerk may act on applications until polls are closed. 17:2144(c), 2144b(b)
- Moderator opens business for the open meeting at the time established by legislative body. 17:2655, 2657
- In towns using Australian Ballot, as soon as possible after the polls close, Town Clerk or other Presiding Officer must examine entrance and exit checklists and prepare a statement of discrepancies. Presiding Officer directs Election Officials in counting ballots. Election Officials must seal all ballots, exit checklist(s) (or read-out sheets and other voting machine materials) and tally sheets. 17:2581 to 2590.

**March 3:** (No later than 24 hours after polls closed) Presiding Officer and one other Election Official shall transfer the totals from the summary sheets to the return and both sign the return. 17:2588

## March 4:

- (Within two days after polls closed) Town Clerk must notify each provisional voter of acceptance or reasons for rejection of voter's attestation. 17:2557(b)
- (Within 48 hours after polls closed) Town Clerk shall deliver to the Secretary of State one certified copy of the official return of vote form for the Presidential Primary. 17:2588

**March 7:** (Within five days after Town Meeting) Town Clerk must certify financial actions of Town Meeting to Treasurer and to Chair of the Selectboard. 24:1167

**March 8:** (Within six days after Town Meeting) Town Clerk is to report to the Director of Property Valuation and Review on method adopted at Town Meeting for collection of taxes. 32:5167

**March 9:** (Within seven days after election) 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. 17:2682(e)

## March 12:

- (Within 10 days after election) Last day for a defeated local candidate requesting recount of an election voted by Australian Ballot to file a petition with the Town Clerk. 17:2683
- (Within 10 days after the election) Deadline for a voter to file a request for a recount with the Town Clerk of any issue voted by Australian Ballot. 17:2688
- (Within 10 days after Town Meeting) Last day for Town Clerk to certify to Secretary of State facts of origin and procedure followed for each municipal charter amendment proposal. Clerk shall also certify the result of any vote required before an act of the General Assembly takes effect. 17:2663, 2645(b)
- 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. 17:2822

**March 17:** (Within 15 days after an election) Last day a voter may contest the results of an Australian Ballot local election by filing a complaint with Superior Court. 17:2603(c)

**March 18:** (15 days after the warning of the run-off election) First day a run-off election may be held. 17:2682(e)

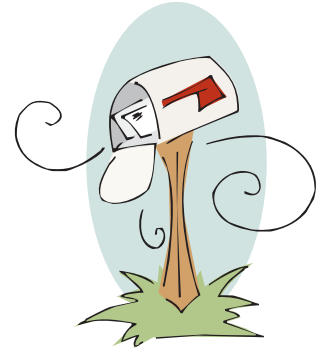
**March 31:** (22 days after warning; warning within seven days after election) Last day a run-off election may be held. 17:2682(e)

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*Let us know if:*

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February 2004

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