

# Opinions

Office of the Vermont Secretary of State



Vol. 6, #9

September 2004



## A Message from the Secretary

For the many Vermonters whose lives are organized around the school calendar September is the beginning of a new year. Parents and kids get ready for the school year by shopping for notebooks, binders and backpacks, teachers prepare their classrooms, and coaches work to get their teams into shape

for the fall season. This year, when our kids go back to school they will be studying more than reading, writing and arithmetic. Many of our schools will be teaching what it takes to be good citizens in our democracy by participating in Vermont Votes For Kids.

Vermont Votes For Kids is designed to help students learn about government and politics, and develop practical skills of information gathering and decision making. Students also get hands on experience on Election Day by voting in a mock election.

Our democracy, like our schools, needs constant nurturing. We have learned that a person who fails to learn the lessons of citizenship while in school is unlikely to understand how or why it is important to participate later in life. With the latest census figures showing that our youngest citizens voted at an anemic 19% in the last election it is more important than ever to teach our children the importance of voting before they turn 18.

This year the Vermont Votes for Kids curriculum will be supplemented by a six-week Democracy in Action Newspaper in Education series that will be made available through a partnership with Vermont's daily newspapers. Democracy in Action topics include who can vote, how to research candidates and evaluate

advertisements, how the Electoral College works, and how young people can make a difference.

We all know that education doesn't stop when we finish school. Like education — civic involvement is a life long learning experience. It is the Vermont school kids of today who are going to be our legislators and governors of tomorrow. We know from experience that it is important to plant the seed of civic responsibility early!

To find out more about Vermont Votes for Kids or to get your school involved in this important program visit [www.vermontvotesforkids.com](http://www.vermontvotesforkids.com) or call 1-800-439-VOTE.

Deborah L. Markowitz, Secretary of State

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## A Primary Debate; How Would You Vote?

Archives perform numerous functions. One role is to provide context to our decisions, actions and dialogues. Context also provides a tool for measuring the consequences of our decisions. This archival role was recently used by Nancy Remsen of the Burlington Free Press (“Vt. primaries feature few races,” Free Press, August 3, 2004, Section B). Ms. Remsen counted, among Vermont’s three parties eligible to hold primaries this year, only a dozen contests to select candidates for eight statewide offices, 30 senate seats in 13 senate districts, and 150 seats in 110 House districts.

While her story focused on the current paucity of choices, as well as the costs of holding primaries, she directed readers to the Archives website for the legislative debate over creating a primary in 1914 (<http://vermont-archives.org/governance/Primary/direct.htm>) and the results of statewide primaries since 1916, exclusive of presidential primaries (<http://vermont-archives.org/govinfo/elect/prindex.htm>).

As you prepare for the September 14<sup>th</sup> primary it might be fun to revisit some of the key 1914 arguments over whether to create a primary or stick with the party caucus system. The Legislative Reference Bureau, a precursor to today’s Legislative Council, summarized those arguments in a January 1914 report to the general assembly.

One of the key debates was whether a direct primary would unduly advantage larger municipalities in selecting candidates (small towns benefited under the caucus system). Supporters of the primary argued that the “direct primary does not weaken the power of the small town. It strengthens the power of the individual voter...” Opponents responded that larger municipalities would dominate candidate selection: “At a nomination by direct vote of the people the vote for Chittenden County would be practically dominated by Burlington and Winooski...and similar domination by the large towns would be the result throughout the state. The vote of Essex County would be more than balanced by the vote of either Bennington, Brattleboro, or St. Johnsbury.”

Ironically, given the limited number of contested races, caucus proponents thought that, “there are so many candidates at the primary that the voter cannot vote intelligently on any but the most important officers.” So what, replied primary supporters, “primaries enlarge the field of public service by increasing the range of men [this was prior to women suffrage] who can have hope of getting into office. And it is not a fact that voters...are so unintelligent as to be unable to choose their officers.”

Somewhat inconsistently caucus supporters also argued that the primary would limit the pool of candidates because the “willingness...of adequate men to serve the public in office is rare enough” and would be further tested by having to “undergo one protracted and necessarily expensive campaign of personalities for the right to under go another protracted and expensive campaign” in the general election. This was “more than can be expected normally except from those at once very rich and very patriotic.” Bah, said the primary forces, “unless a man has interest enough in a governmental office to work to get it, he isn’t the man we want in that office.” They pointed to the 1902 Republican caucus contest that was very expensive and tainted with charges of bribery.

Speaking of expenses, primary supporters asserted that “a primary law properly guarded by requiring publicity [disclosure] and limitation of campaign expenses would make clear to everyone just how much money was spent, and that in itself would cure the extensive and improper use of money.” Jeezum, returned the caucus fans, “no law can be framed which will adequately limit the expenditures of candidates” and “there are many indirect ways of spending money” that have “been found impossible to reach by publicity laws.”

Nancy Remsen’s article noted that it will cost the State \$120,000 to print and distribute three sets of primary ballots this year. In 1914 the caucus forces decried the fact that State expenses would be doubled by having to print primary as well as general election ballots. “It is quite proper that the state should bear the expense of candidacy,” replied the primary defenders. After all, having the State bear the cost undid “one of the principle evils of the convention system” which was “that the candidate must pay his own expenses or allow them to be paid by some interests under obligation to who he will thereby be placed.”

Back and forth the two sides debated. Finally, after several legislative votes and a couple of statewide referenda the direct primary was adopted. The record of that debate, which I hope you will visit, provides a measure to see how each side’s arguments played out over the years. And that is why archival records can be useful in understanding such basic democratic responsibilities as selecting candidates.



## Congratulations to the 2004 Centennial Nonprofit Award Winners!

Jericho Congregational Church	1791
Peacham Library, Inc	1810
Thetford Academy	1819
Saint Johnsbury Band	1830
Brattleboro Retreat	1834
Derby Line Cemetary Association	1841
Rutland Country Agricultural Society	1846
McIndoes Falls Academy	1853
North Ferrisburg Cemetery Association	1856
Milton Cemetary Association	1860
Greater Burlington Young Men’s Christian Association, Inc	1865
Taftsville Cemetary Association, Inc.	1866
Rutland Missionary Association	1866
Ascutneyville Cemetery Association	1867
Isle La Motte Free Public Library	1868
Fletcher Free Library	1873
St. Johnsbury Athenaeum	1882
Henry Sheldon Museum of Vermont History.	1882
Howard Center For Human Services, Inc.	1884
Burlington Cancer Relief Association, Inc.	1886
Converse Home, Inc.	1886
Benevolent and Protective Order of Elks #916	1904
Wantastiquet Trout Club	1904
Brattleboro Memorial Hospital, Inc.	1904
Vermont Center For The Deaf & Hard Of Hearing, Inc.	1904


For more information about these awards please visit [http://www.sec.state.vt.us/centennial\\_nonprofit.html](http://www.sec.state.vt.us/centennial_nonprofit.html)



# Opinions of Opinions

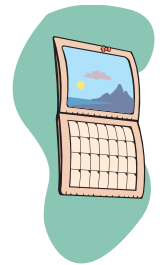
- 1. Voted absentee ballot cannot be returned to voter once received by clerk.** If an early voter mails or returns in person a voted ballot in the sealed signed envelope and the unused ballot envelope to the Town Clerk, the voter cannot ask for the ballot back so (s)he can “change his mind”. 17 V.S.A. §2543. The law states that “once an early voter absentee ballot has been returned to the clerk in the sealed envelope with the signed certificate, it shall be stored in a secure place and shall not be returned to the voter for any reason.” It is just as if the ballot had been deposited in the voted ballot box on Election Day.
- 2. Spoiled absentee ballot can be returned and new ballot will be given to voter.** If an early voter discovers that (s)he has made a mistake and spoiled a ballot prior to returning the ballot to the clerk, (s)he can return all of the spoiled ballots and envelopes to the Town Clerk and request another set of ballots to vote, just the same as a voter in the polling place can request up to three sets of ballots if (s)he spoils or makes a mistake in marking or tearing the ballots. 17 V.S.A §2568
- 3. There is no restriction on who may return absentee ballot on behalf of voter.** Anyone — a neighbor, a delivery boy, even a candidate can return voted ballots sealed in the voted ballot envelope with the signature of the voter to the Town Clerk (or polling place on Election Day) before the 7 p.m. closing of the polls. Vermont statutes do not limit the means by which voted ballots are returned. Although it may seem unusual, it is permissible.
- 4. Primary ballot choice not public in state primary election.** Unlike the presidential primary, voters in the state primary do not have to publicly state which ballot they will be voting. Each voter must be given three ballots – the Democratic, Progressive and Republican ballots. The voter votes one ballot and drops the other two into the unvoted ballot box.
- 5. Unvoted absentee primary ballots must be returned with the voted ballot in order for the ballot to be counted.** For the September primary, an early absentee voter must return the unvoted ballots in the unvoted envelope, or the ballot will be considered defective and shall not be counted. 17 V.S.A. §2547. All early voters must select only one primary ballot to vote, and the other two major party ballots must be returned to the clerk in the unvoted ballot envelope along with the voted ballot in the signed certificate envelope.
- 6. BCA members can be added for an election to create party balance on the board.** The town political committee or three voters may make a request to the board of civil authority to have additional members added to the board of civil authority if there are less than three members of a major party serving on the BCA. The procedures are set out in 17 V.S.A. §2143. If a written request is filed with the Town or City Clerk, the legislative body shall appoint from a list of names submitted by the underrepresented party to bring the number of representatives from the party up to three members. Note that these BCA members may only perform election related duties.



- 7. JP candidates can be nominated by party committee if no caucus meets.** If a town committee has failed to meet prior to the first Tuesday in September to meet in caucus to nominate Justices of the Peace, the Town Committee shall meet and nominate candidates for JP as provided in 17 V.S.A. §§ 2381-2387. The chairman of the committee gives not less than five days written notice to all members of the committee of the meeting to nominate. The committee nominates JP candidates by a majority of those present and voting. The statement of nomination by committee form must then be completed and signed by the chairman and secretary. A copy of the notice must be filed with the statement of nomination before 5pm on September 17, 2004 in your town clerks office.
- 8. Overseas Vermonters can vote absentee in Vermont even if they never intend to return to Vermont.** Registered voters in Vermont do not lose residence for voting purposes solely by living outside of the United States. 17 V.S.A. §2122 Until the voter returns to reside in the United States, the voter can remain on the checklist and vote by absentee ballot in the town in which the voter last resided. If the voter is concerned about the time it takes to receive and return ballots, the voter, a family member or friend can give the town clerk a prepaid overnight delivery envelope to speed delivery.
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- 9. Board members have no individual authority.** No single board member has any authority to act alone. 1 V.S.A. § 172. This rule applies to boards acting in an administrative capacity to mean that an individual board member cannot spend money or contract or make personnel or other administrative decisions without authority of a majority of the board. This also applies to boards (except school boards and BCAs hearing tax appeals) acting in a quasi-judicial capacity and requires a majority of the board to hear all of the evidence and agree upon a decision in order for the board to take action in a matter.
- 10. Schoolboards follow more lenient quorum rules.** The law provides that a majority of the school board members must be present for the board to meet. However, notwithstanding 1 V.S.A. § 172, the law permits the concurrence of a majority of members present at a school board meeting to be necessary and sufficient for board action. 16 V.S.A. § 554.
- 11. A board member with dual offices has only one vote on the BCA.** If one person is elected both as a Selectboard member and as a Justice of the Peace, that person is only entitled to one vote on the Board of Civil Authority. The number of board members on the full board is also reduced by one for purposes of calculating a quorum. For example, if a town normally has a BCA made up of five selectboard members, 15 justices and a town clerk, the board would be 21 members and a quorum for other than election purposes would be 11. If, however, in the same town, two selectboard members were also elected Justices of the Peace, the board would be 19 members and a quorum for other than election purposes would be 10. A person cannot cast two votes by virtue of being elected to two different offices. NOTE: For tax appeals, at least 3 members must be present and then a majority vote of the board members present.
- 12. BCA holds tax appeal hearing even if appellant fails to appear.** If a person bringing a tax appeal to the BCA chooses not to attend the hearing, the BCA must still hold the hearing, consider the appellant's written submission, inspect the property and render a decision. However, if the appellant refuses to allow an inspection of the property (both interior and exterior of any structure), then the appeal will be considered withdrawn. 32 V.S.A. §4404(c).

**13. Vote on ordinance is in the negative.** When the voters petition for a referendum on an ordinance passed by a municipal board the vote is whether to “disapprove” of the ordinance. Although this can be confusing to voters, the law is specific about the wording of the petition. 24 V.S.A. § 1973.

**14. Minutes must be available within five calendar days of the meeting.** 1 V.S.A. section 312 (2) provides “Minutes of all public meetings shall be matters of public record, shall be kept by the clerk or secretary of the public body, and shall be available for inspection by any person and for purchase of copies at cost upon request after five days from the date of any meeting.” This is calendar days - not business days.



**15. Board may only discuss town business at publicly announced meeting.** Anytime a quorum of a board is together discussing the business of the town it must be within a publicly announced meeting (with the exception of the deliberations of quasi-judicial boards). Board members who see each other at a social gathering must be sure not to talk about town business! 1 V.S.A. § 312.

**16. Board members may perform administrative functions outside of a warned meeting.** 1 V.S.A. section 312 (g) permits board members to meet outside a duly warned meeting to perform clerical work, make work assignments for staff or other personnel or perform routine day-to-day administrative functions that do not require action by the public body (like checking the roof for leaks), provided that no money is appropriated, expended, or encumbered.

**17. E-mails are public record.** E-mails between selectboard members and other local officials are public record. They must be retained as though they were correspondence. If you don't already have a retention schedule you should contact the public records division of the department of buildings and general services to determine when you can delete these e-mails. Municipal retention schedules are available at <http://www.bgs.state.vt.us/gsc/pubrec/infospec/schedules/municipal.pdf>



**18. Vacancies can wait to be filled if there is an upcoming election.** The law requires the board to fill the vacancy without undue delay – but it may be acceptable to let a vacancy lie for a month or two if there is an election scheduled at which the vacancy can be filled. 24 V.S.A. § 963.

**19. Selectboard does not have to take applications before filling a vacancy.** The law requires the selectboard to post a notice of a vacancy in two public places within ten days of the vacancy. 24 V.S.A. § 961. The posting is to inform the public of the vacancy so that they can decide whether to petition for a special election. There are no rules governing how the selectboard must fill the vacancy. Some boards will ask someone to serve, and others choose to solicit applications from the public and then pick from those who applied.

**20. Discussion of applicants to fill vacant office can be made in executive session.** The open meeting law permits a board to go into executive session to discuss the appointment or evaluation of a public officer. 1 V.S.A. § 313. This means when the board is discussing who to appoint to fill a vacancy it may go into executive session. The law permits the board to privately discuss the merits of applicants to public office so as not to discourage people from applying.

*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.*

## Special Reminders of the Rules Governing Campaigning outside the Polling Place

- 1. Political campaign signs at the polling place on election day may be regulated by the presiding officer.** 17 V.S.A. §2508. The presiding officer cannot prohibit a person from standing and holding a sign outside the polling place so long as the person does not hinder or impede the progress of any voter going into or out of the polling place. However, the presiding officer can set reasonable rules regulating the placement of signs around the polling place on Election Day. Some presiding officers prohibit all signs from being placed in the ground or affixed to anything on the property of the polling place, others limit the size or number of signs per candidate, and others limit the area where signs can be placed. Whatever the policy that is adopted the Presiding Officer should take care to ensure that the rules are applied evenly to all candidates!
- 2. Candidates or political activists can stand outside of polling places on the day of election and hand out brochures or “palm cards” to voters so long as they do not hinder or impede the progress of voters going into and out of the polling place.** 24 V.S.A. §2508. Vermont law does not set out any specific number of feet away from the polling place that candidates or citizens can stand. It is up to the Presiding Officer at each polling place to set reasonable rules to allow voters to enter and leave the polling place without interference. The rules will depend upon the physical characteristics of each polling place.

Many presiding officers come outside early in the day to explain to the campaigners where they can stand and greet voters, where they can stand to hold signs, and where they can stand to offer printed information to voters. Some will use duct tape to mark out an area that campaigners must stay behind so that voters won't be impeded going in and out of the polling place. In our experience, most people generally abide by the rules established by the presiding officer. If there is a problem, the presiding officer can call a law enforcement officer for assistance.

- 3. No political literature, buttons, or other political materials can be displayed inside the polling place.** 17 V.S.A. §2508. Voters may bring brochures, cards, or papers into the voting booth when they go to vote; however, they must remove the literature and take it out of the polling place when finished voting. Voters should not be allowed to display the literature to others while waiting for his or her turn. We strongly suggest that the presiding officers arrange to have either an election official or volunteer check the voting booths frequently to make sure that no literature has been left behind.
  - 4. Exit polls can be conducted outside of the polling places.** Exit polls or surveys can be done outside of the polling place so long as a voter voluntarily offers to participate and the persons conducting the polls or surveys does not hinder or impede the progress of the voter as he or she enters or leaves the polling place. 17 V.S.A. §2508. No one (not even town officials) are allowed to distribute surveys or questionnaires inside the polling place.
  - 5. Presiding officers cannot regulate signs displayed on legally parked cars.** Any person can park a car, van, or truck in a legal parking space on a public street or in a public parking lot with a political campaign sign displayed in the vicinity of the polling place. If the car is not legally parked, the presiding officer can ask a law enforcement officer to ticket the car or to arrange to have the car moved. If the car is legally parked, the display of the sign is not illegal.
- If your polling place is at a school or town hall and there is a parking lot on the premises, the presiding officer can limit the amount of time cars can park in the lot and can establish handicapped voter spaces etc.
- 6. Presiding officer must make sure that handicapped voters have access.** In establishing reasonable rules for campaigning outside of the polling place, the presiding officer must establish a sufficient number of parking spaces to allow voters with disabilities to have access to the polling place, and to have two election officials bring ballots out to the disabled person's vehicle.

# Tip of the Month from the VMCTA



## This month's tip is from Laura Sumner of Halifax:

As a time saver Laura keeps a directory with the names, addresses, phone numbers and terms of key town officials in a plastic folder by the telephone. She also keeps a list of frequently called people in that folder so that contact information is easily accessible.

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

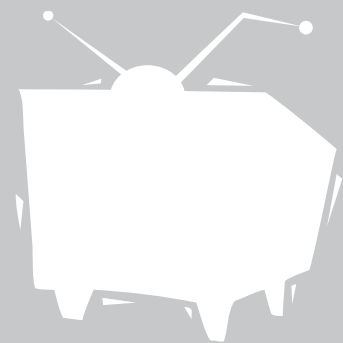
**Sandy Harris- VMCTA President**

Town of Vernon  
567 Governor Hunt Rd  
Vernon, VT 05354

## Attention Clerks:

We are pleased to make available a 9 minute training video for your poll workers designed to help them better serve voters with disabilities.

For a copy of *Serving All Vermont Voters* please call 1-800-439-VOTE.





# On the Road to the Election

By Janel Johnson, Elections Outreach Coordinator



## Vermont Votes For Kids

We are pleased to announce that the **Vermont Votes For Kids** website is complete! You can visit this website at [www.VermontVotesForKids.com](http://www.VermontVotesForKids.com). The civics curriculum is full of interesting lessons for K-12 students. In addition to the curriculum, there is a Fun & Games section for kids and Fun Facts About Elections that should grab the attention of students! The civics curriculum culminates in a mock election and teachers can click on the How to Run a Mock Election link to find out the details. Teachers in your community may be contacting you about holding a mock election at the polling place on election day. Please let me know if you have any questions about this process.



## Honor A Vet With Your Vote

The button drive for the **Honor A Vet With Your Vote** program is taking off! Buttons are being distributed through veteran's organizations, civic organizations such as Rotary and Kiwanis clubs, family reunions and of course, at the Town Clerk's offices. The Secretary of State's Office has also sent a number of buttons in the mail as voters can order them on our Elections website. If you know someone who wishes to sponsor an Honor A Vet With Your Vote button drive please have them contact me. If you need more sign up forms, buttons, or posters advertising the program for your office, please let me know.



## Ordering Election Materials

Many orders have been filled for election materials. *Register to Vote Here* signs and elections stickers are still available if you have not already placed an order. We continue to have a supply of buttons and bumper stickers with our *Your Vote is Your Voice* message along with the 6 minute video for first time voters. A beautiful new poster designed to get out the youth vote can soon be ordered on our website as well. Check it out at [www.vermontvotesforkids.com](http://www.vermontvotesforkids.com) and order one for your office!

Contact me at [govote@sec.state.vt.us](mailto:govote@sec.state.vt.us) or 1-800-439-VOTE with any questions!

Thanks,

## Quote of the Month

“Work expands to fill the time available for its completion.”

- C. Northcote Parkinson

# September 2004

**September 3:** (*60 days before the general election*) First day for candidates for the office of Justice of the Peace to file statements of nomination with the Town Clerk. 17:2386, 2387, 2402(d).

**September 4:**

- Last day for Town Clerk to post sample ballots (for municipal election) and official voter information cards in the same places they have 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)

**September 6:** Labor Day. 1:371

**September 7:**

- 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 (*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)
- Last day for Town Clerk to receive a simultaneous request for an application for addition to the checklist accompanying an early or absentee ballot request. 17:2532(b), (c)
- (*During the eight days immediately preceding election day and on election day*) Town Clerk must give each pair of Justices the exact number of absentee ballots, envelopes, and list of early or absentee voters who are ill or physically disabled to be visited. 17:2538(b), (c)
- (*On or before the first Tuesday in September*) Upon the call of the town committee, party members in town may meet in caucus and nominate candidates for Justice of the Peace; if no caucus is held, the town committee meets and nominates candidates. 17:2381(a)(3), 2413

**September 9:** (*At least five days before primary election*) Last day for Town Clerk to forward to Board of Civil Authority a list of voters added. 17:2144b(d)

**September 11:** (*At least three days before the primary election*) Board of Civil Authority must have designated pairs of Justices of the Peace, assuring political balance in each pair, to deliver absentee ballots to ill or disabled voters. 17:2538(a)

**September 13:**

- Board of Civil Authority must appoint a Presiding Officer if the Town Clerk or other regular Presiding Officer is unable to preside at the election 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. 17:2454
- Town Clerk or other Presiding Officer must notify Election Officers of their hours and duties. 17:2455
- Voters, or their 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. 17:2531(a), 2532(a)

**September 14:**

- **PRIMARY ELECTION DAY** 17:2351
- (*Before polls open*) Town Clerk must give Election Officials a list of those voters who have already cast absentee ballots. 17:2548(a)
- (*Before the polls open*) The Presiding Officer must post copies of the warning and notice, sample ballots, and voter information cards. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballot. 17:2523(a), (b)
- Polls must be open no earlier than 5:00 a.m. and no later than 10:00 a.m. (*opening hour set by Board of Civil Authority*). Polls remain open until 7:00 p.m. 17:2561(a)
- (*Upon opening of polls*) 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 election day and had notified the Town Clerk of intent to apply for addition to the checklist, the Town Clerk or Board of Civil Authority may act on applications until polls are closed. 17:2144(b), (c)
- 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. 17:2583(a)
- Presiding Officer directs Election Officials in counting ballots. 17:2581, 2582
- Presiding Officer must seal all ballots, entrance checklist(s) and tally sheets. 17:2590(a), 2689, 2583(a)

**September 15:**

- (*No later than 24 hours after polls close*) Presiding Officer and one other Election Official shall transfer the totals from the summary sheets to the return and both sign the return. 17:2588
- Last day for Town Clerk to remit to State Treasurer an accounting of dog and wolf-hybrid licenses sold and remit the license fee surcharge for an animal and rabies control program. 20:3581(f)

**September 16:** (*Within 48 hours of the closing of polls*) Town Clerk shall deliver one certified copy of each primary election return to the Secretary of State, county clerk, representative district clerk and senatorial district clerk. 17:2588

**September 17:**

- (*No later than 5:00 p.m. on the third day following the primary election*) Last day for candidates for the office of Justice of the Peace to file statement of nomination and consent form with the Town Clerk. 17:2361, 2386, 2387, 2402(d).
- Last day (no later than 5:00 p.m.) for independent candidates to file a certificate of nomination and consent with the Secretary of State. 17:2402(d), 2386(a)
- Last day (up until 5:00 p.m.) for validly nominated candidates to withdraw their names from the general election ballot by filing a written notice with the Town Clerk in the case of a Justice of the Peace, or with the Secretary of State in the case of all other offices. 17:2412

**September 23:**

- (*At least 40 days before the election*) Last day to request additional ballots for the general election from the Secretary of State. 17:2478(d)
- **23** Last day for the Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501

**September 24:**

- (*Within 10 days after the election*) Last day for a losing candidate to request a recount. 17:2602(b)
- Last day for persons nominated by any means for the same office by more than one political party to elect the party or parties for which they will be candidates. 17:2474(a)

**September 28:** Town Clerk will receive at least five copies of the general election warning and notice for each polling place by this date. The Town Clerk should list the polling place, address and the time polls open in the blanks on each warning. 17:2521(b)

**September 29:** Last day a legal voter may contest results of the primary election (within 15 days after the election). 17:2603(c)

**September 29-30:** VLCT ANNUAL MEETING and TOWN FAIR

## October 2004

**October 3:**

- (*Not less than 30 days before the election*) Last day for posting the warning and notice for the general election. 17:2521(a)
- 3 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

**October 4:** (*30 days before election*) Town Clerk will receive prepared general election ballots by this date. Clerk should store the ballots, except those used for sample and absentee ballots, in a secure location until the day of the election. Clerk must return receipts for ballots to the Secretary of State as soon as possible. 17:2479, 2103(13)

**October 11:** Columbus Day. 1:371

**October 23:** (*At least 10 days before the election*) Voting machines must be tested using official ballots that are clearly marked “test ballots.” 17:2493(b)

**October 25:**

- State Withholding Tax Return is due (*actual date by which return must be postmarked is shown on the printed form*) if reporting less than \$2500 per quarter. More than \$2500 requires monthly report; more than \$9000 requires semi-weekly report. 32:5842
- 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 (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)
- Last day for Town Clerk to receive a request for an application for addition to the checklist simultaneously with a request for an early or absentee ballot. 17:2532(b), (c)
- (*During the eight days immediately preceding election day and on election day*) Town Clerk must give each pair of Justices the exact number of absentee ballots, envelopes, and list of absentee voters who are ill or physically disabled to be visited. 17:2538(b), (c)

**October 26:** Last day for Town Clerk to post sample ballots (*for the general election*) and official voter information cards in the same places they have previously posted copies of the warning, notice and checklist. 17:2522(a)

**October 28:** (*At least five days before general election*) Last day for Town Clerk to forward to Board of Civil Authority a list of voters added. 17:2144b(d)

**October 30:** (*Not later than three days before the general election*) Board of Civil Authority must have designated pairs of Justices of the Peace, assuring political balance in each pair, to deliver absentee ballots to ill or disabled voters. 17:2538(a)

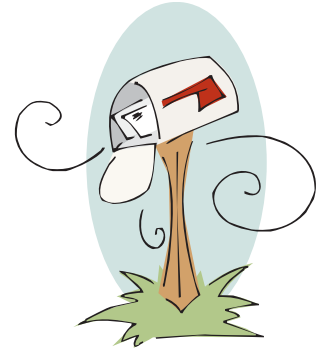
**October 31:** Last day to file Form 941 (*Quarterly Withholding Return*) with the IRS.

# 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: [salberghini@sec.state.vt.us](mailto:salberghini@sec.state.vt.us),  
or post: 26 Terrace St. Drawer 09, Montpelier, VT 05609-1101  
and be sure to include what your current *Opinions* mailing label says as well as any changes that you would like to have made!

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

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Office of the Vermont Secretary of State  
September 2004

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