

# Opinions

Office of the Vermont Secretary of State



Vol.7, #3

## A Message from the Secretary



February is a busy time for us at the Secretary of State's Office as we work hard to help you prepare for your town meetings. This year, in addition to answering countless questions about articles, warnings and *Roberts Rules of Order*, we sent out thousands of copies of our newly published *Citizen's Guide to Town Meeting*, and school

curriculum booklets. And we were very happy to make available a newly reprinted *Town Moderator's Handbook*. We want to do what we can to help make Vermont's Town Meeting Day a democratic highlight of the year – even as compared to our last election where we went to the polls to elect a president.

Vermont's traditional town meeting provides us with one of the last opportunities to govern ourselves directly. We gather together with our neighbors to visit and argue (and eat) and make some important decisions about the town. We decide how much we want to spend on the budget. We decide whether we want to give our local officials our votes of confidence and install them for a new term or to give someone else a chance to serve the town.

Although the focus is on town meeting, Vermont's tradition of participatory democracy is not just about Town Meeting Day. In fact, the backbone of this democratic tradition is the many individuals who do the work of local government. To those local officials who will not be returning to office after March 1st we wish to say, on behalf of the people of Vermont, "Thank you for your service to your community!" We know that serving in local office can be challenging as well as rewarding. We know that many of you have devoted countless hours and personal resources for the public good. Most importantly, we know that our communities could not function without the service and commitment of its public officials.

To those of you who are newly elected this month, and to those of you who are veteran officials back to serve yet another term, we wish to welcome you. As you are called upon to do your jobs, please know that we are here to be of assistance. We can answer your questions and direct you to other resources that might be helpful to you and your towns.

Here at the Secretary of State's Office we have assembled a great team to work with the municipalities in Vermont. We have three attorneys available to answer your questions - Deputy Secretary of State, Bill Dalton, Director of Elections and Campaign Finance, Kathy DeWolfe and myself. Call us at 1-800-439-8683! Check out our web site or call to order our free publications on topics including open meeting law, tax appeals, library and school district law, land use regulation and more – [www.sec.state.vt.us](http://www.sec.state.vt.us)!

Deborah L. Markowitz, Secretary of State

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## After the 19<sup>th</sup> Amendment: Vermont's First Women Legislators

While the temptation is to discuss town meeting, March is also Women's History Month. Not so incidentally I have before me a wonderful student paper entitled "Issues of the Hearth: Women in the Vermont Legislature, 1920-1940." No self-respecting, deadline-haunted columnist can ignore such a windfall.

To digress for a moment: every once in a while, just when I become resigned to a bureaucratic life of maximizing parameters and squashing the hopes of citizens, a researcher will spark memories of my earlier existence as a user of records. Jack Zeilenga, a UVM history student, is such a researcher. Jack was interested in what

happened after the 19<sup>th</sup> amendment. Most people seem content knowing that Edna Beard was the first woman to serve in the Vermont house (1921) and senate (1923); beyond that there has been little research on the first women in government and politics. Jack wanted to know more.

The result is a paper that looks beyond Edna Beard as a "first" and examines the nature of the service of Vermont's first women legislators. Edna Beard's story, for example, is more complex than most people are aware. A month after the ratification of the 19<sup>th</sup> amendment in 1920, Miss Beard was nominated as a Republican candidate for Orange town representative. Despite her long service on the school board and as town treasurer, she lost the primary to Burt L. Richardson. Undeterred, Miss Beard then ran in the general election on the "Citizen Party" label and won.

She received a mixed reception in the house. The *Rutland Herald* reported that, "Miss Edna Beard, the only woman member, was given the first choice of seats by unanimous consent. She chose seat No. 146, and for a long time no mere man had the courage to select seat No. 145, which adjoins hers. The seat stood vacant for over an hour until Horatio E. Luce of Pomfret took the dare of his fellow members and sat down beside Miss Beard amid a storm of laughter and applause." One can only image what Rep. Beard felt during this process.

In 1923 she was elected to the senate and became chair of the Library Committee, another first. She was suggested as a candidate for lieutenant governor, but never ran. Edna Beard died in 1928 at the age of 51.

Miss Beard, however, is only part of the story. The paper examines three areas: the number of women who served; the types of legislation introduced by the women; and what roles women played within the committee system.

On the whole, women did relatively well in Vermont legislative races, holding 100 house and 8 senate seats between 1921-1940 (the house had, for most of that period, 248 members). Within New England, New Hampshire had the next highest number of women representatives with 86; while Vermont's 8 women senators trailed only Maine's 11. Mr. Zeilenga grouped legislation introduced by the women into "issues of the hearth"; that is issues such as family, children, education, and the environment which were traditionally seen as of particular concern to women. While there are legitimate questions about whether all the legislation Mr. Zeilenga identifies actually falls within issues of the hearth, women clearly added new perspectives to the general assembly. For example, *Representative* Edna Beard's first bill, which was enacted, raised compensation for women with children whose husbands were dead, incapacitated, or who had abandoned them. *Senator* Beard's first (successful) bill allowed for county sheriffs hiring women as deputies.

In 1927 Rep. Mehitable C. Robinson of West Rutland sponsored a bill that required investigation of potential adoptive families. In 1931 Rep. Nina Mason of Pawlet sponsored legislation limiting children under the age of 16 to eight-hour work days and prohibiting such children from working at all if they had not met certain educational thresholds. Other legislation sponsored by women during this period ranged from liability insurance for school transportation to children in state custody to marriage and taxation.

The third section of the paper looks at committee service. During the 1921-41 period Mr. Zeilenga identified women as chairing seven house and six senate committees (this may be a low count since he appears to have missed at least one committee chair, Mrs. Helena Skeels who chaired the House Conservation and Development Committee in 1931, though he does correctly identify her as chair of the Senate Conservation and Development Committee in 1933. As an aside, a freshman representative serving on the 1931 House Conservation and Development opposed a bill Mrs. Skeels supported, which gave, in his mind, too much power to private utilities over the development of Vermont's hydroelectric potential. He waited until Mrs. Skeels was absent and then had the committee adversely report the bill. This successful maneuver gained him political visibility and helped launch a political career that would not end until 1975; that freshman legislator was George Aiken of Putney).

The committees chaired by women seem to follow the issues of the hearth template. For example five of the house chairs were of the Library Committee, as were two of the senate chairs. Education, Public Health, Conservation and Development, Public Buildings, and Suffrage and Elections were other committees chaired by women during this period.

Women, who were increasingly filling secretarial roles in the business sector, were frequently elected as clerks of their respective committees. For example, in 1927 women served on nine different committees and were clerks on four of them; in 1929 it was four of seven; and in 1931 it was ten of twelve.

Mr. Zeilenga has made an excellent start on examining the roles of women in government. His paper, which shows some of the limits of undergraduate research, is nonetheless an important step beyond our blinkered fascination with who was the first woman legislator. I offer my congratulations and welcome Mr. Zeilenga, or anyone reading this column, to build on this research. We look forward to seeing you.



# Opinions of Opinions

**1. Members of BCA can be added to ensure political representation.** If the board of civil authority does not contain at least three members of each major political party, and the party committee or at least three voters request increased representation for an underrepresented major political party, by filing a written request with the clerk of the political subdivision, the legislative body must appoint from a list of names submitted to it by the underrepresented party a sufficient number of voters to the board of civil authority to bring the underrepresented major party's membership on the board to three. 17 VSA § 2143. If there are already three members of a political party on the board, no additional members can be appointed even if that means they are a vast minority on the board. Section 2143 is designed to ensure that there is minimal representation on a BCA from parties – it does not provide for equal representation.

**2. Members of the BCA appointed to ensure political representation can only perform election duties.** 17 VSA § 2143 provides that individuals appointed to the BCA by the selectboard under this provision of law will have the same duties and authority with respect to elections as have other members of the board, but they will have no authority with respect to functions of the board of civil authority which are not related to elections.

**3. Request for reconsideration must be submitted within thirty days of meeting.** A petition signed by five percent 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. It is wise to avoid committing to any contract until the 30 days for reconsideration has passed.

**4. Absentee ballots for reconsideration should not require separate request.** Although the law does not speak directly to whether a person who has requested an absentee ballot for town meeting votes by Australian ballot must make a separate request for an absentee ballot for reconsideration, we suggest that fairness dictates that you send absentee ballots for the reconsideration to all voters who had requested absentee ballots for Town Meeting. Reconsideration is really an extension of town meeting. It is likely that a court would find that the obligation to send a ballot to a voter would continue until the voting on the issue is complete.

**5. There is no reconsideration of election of officers.** While 17 V.S.A. §2661 provides a method for reconsidering 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 you must establish another reason that the election is not valid.



**6. Road Commissioner Has No Independent Authority.** Voters of a town petitioned to elect a road commissioner. This year there is a contested race, and the two candidates are making a number of promises. However, even when a road commissioner is elected, the selectboard controls everything he or she does. Note that citizens are sometimes confused, believing that road commissioners have independent authority to oversee the town highways and spend the highway fund. (The law was changed in 1974 – giving the selectboard sole authority over the roads. 19 V.S.A. § 101)

**7. Person May Not Serve As Town Clerk, Treasurer and Selectperson.** A town clerk/treasurer running for re-election wishes also to run for the selectboard. While a person may run for as many offices as he or she likes, according to Vermont's law of incompatible

offices, a person may not serve as town treasurer and serve on the selectboard. 17 V.S.A. § 2647 This rule makes sense because good fiscal oversight requires that the person drafting the orders on town accounts be different than the person who is writing the checks and balancing the books. Note that no law prevents the town clerk from also serving on the selectboard.

**8. Spouse of Auditor May Not Serve As Assistant to Selectboard.** Of all the town offices the strictest incompatible office rules apply to the town auditor. This is because the auditors serve as the watchdog for the town – ensuring that the taxpayers know how their money is spent – and pointing out any improprieties. For this reason it is of the utmost importance that the auditors have no conflict of interest. The law sets some limits as well. It provides that: “An auditor shall not be town clerk, town treasurer, selectman, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of their official duties be eligible to hold office as auditor.” 17 V.S.A. § 2647

**9. Town Manager May Not Serve As School Board Member.** State law limits the involvement of a town manager in other offices in the town. The law specifically provides that a town manager “shall not hold any elective office in the town or town school district.” 17 V.S.A. § 2647 The manager may hold appointed offices, although it is not often advisable for the manager to mix his or her roles in this way.

**10. School Board May Accept Gift Of Property Without Vote Except Where Prohibited By Charter.** A school board may accept a gift of property without a town vote, even if the “gift” may ultimately cost the taxpayers money (by taking the property off the tax rolls, or because of the cost of insurance or renovations). Note that a purchase or sale of property will require a vote. 16 V.S.A. § 562 gives voters the authority to “authorize the school board to . . . purchase buildings and sites for school purposes . . . and to sell or dispose of the same . . .”

**11. Selectboard Must Notify Public Before Town Property Is Sold.** Before a selectboard can sell town property it must publish a notice of the terms of the sale in a local newspaper and post the notice in at least three public places (including the clerk’s office) at least 30 days before the proposed sale. Five percent of the voters may then petition for a vote on the sale. If no petition is filed the sale can be completed. Otherwise, a special meeting must be called for a vote to approve the sale. In the alternative the board can simply put the sale up for a vote. 24 V.S.A. § 1061 This rule will not apply to property related to town highways, water, sewer or electric systems, or housing projects.



**12. Agent Conveys Real Estate.** Although it is the selectboard and/or the voters who decide whether, and upon what terms, town property is to be sold, the deeds are signed by the agent to convey real estate. The agent to convey real estate is elected by the voters at town meeting, or when the municipality fails to elect, he or she is appointed by the legislative body. 17 V.S.A. § 2646; 24 V.S.A. § 1061

**13. New Board Can Reconsider Decisions of Prior Board.** There is no law that binds a new board to the decision of the prior board. This means that if a prior board made a decision to reclassify a road, or to place a stop sign in a particular location, the board can reconsider the decision (although it must follow any procedures set out by law.) Some decisions a board makes (such as decisions to hire employees or to enter into contracts) create legal obligations for the town so that before a new board reconsiders those decisions it should get advice from the town attorney.

**14. Minutes are required of all public meetings.** The open meeting law requires all public bodies – including subcommittees of boards – to keep minutes of the public portions of their meetings. 1 V.S.A. § 312(b)(1) The minutes must cover all topics and motions that arise at the meeting. Minutes should not be a transcript of the meeting but should at least include the names of the members of the public body present; all other active participants in the meeting; All

motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and the results of any votes, with a record of the individual vote of each member if a roll call is taken.

**15. Minutes are public record.** Minutes of all public meetings are public records. They must be kept by the clerk or secretary of the public body, and must 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. 1 V.S.A. § 312(b)(1)

**16. Disabled war veterans can apply for partial property tax exemptions.** A property tax exemption may be granted, to the extent of \$10,000.00 of appraisal value on the residence of a veteran of any war or a veteran who has received an American Expeditionary Medal, his or her spouse, widow, widower or child, or jointly by any combination of them, if one or more of them are receiving disability compensation for at least 50 percent disability, death compensation, dependence and indemnity compensation, or pension for disability paid through any military department or the veterans administration if, before May 1 of each year, a written application with supporting documents are filed with the listers. 32 V.S.A. § 3802 By majority vote of those present and voting at an annual or special meeting warned for the purpose, a town may increase the veterans' exemption under this subsection to up to \$20,000.00 of appraisal value. Any increase in exemption shall take effect for the taxable year in which it was voted, and shall remain in effect for future taxable years until amended or repealed by a similar vote. Note that the law permits an un-remarried widow or widower of a previously qualified veteran shall be entitled to the exemption provided in this subdivision whether or not he or she is receiving government compensation or pension.

**17. Town Should Determine Actual Cost For Records.** When no specific fee is established by statute for a copy of a particular public record the municipality may only charge its actual cost of providing the copy, the costs associated with mailing or transmitting the record by fax as well as staff time if it takes over 30 minutes to comply with the request. 1 V.S.A. § 316(d) The law provides that: "After public hearing, the legislative body of a political subdivision shall establish actual cost charges for copies of public records. The legislative body shall also establish the amount that may be charged for staff time, when such a charge is authorized under this section." In determining actual cost the legislative body may only consider "the cost of the paper or the electronic media onto which a public record is copied, a prorated amount for maintenance and replacement of the machine or equipment used to copy the record and any utility charges directly associated with copying a record." Note that if the legislative body does not establish actual costs for the town it must follow the schedule established by the Secretary of State's Office for state agencies. 1 V.S.A. § 316(e). Note that it is a good idea to establish your own fee schedule since the town's costs are generally higher than the state's costs because of the economies of scale.



**18. Public Record Schedule Should Be Posted.** The law requires that the town's schedule of public records charges must be posted in prominent locations in the town offices. 1 V.S.A. § 316(d)

**19. Town Restoration Fund May Only Be Used For Municipal Records.** The law permits the legislative body to create a restoration reserve fund taken from recording fees (it can order any amount between \$0.50 and a \$1.00 per page to be set aside from recording fees and added to this fund.) The law provides that the restoration reserve fund may be "used solely for restoration, preservation, and conservation of municipal records."

**20. Town Treasurer generally serves as School Treasurer and manages the finances of the school district.** The town treasurer shall be treasurer of the town school district unless by vote of the town school district a town school district treasurer is elected. The town/school treasurer must keep in a separate bank account all money appropriated or given for the use of the school district. 16 V.S.A. § 426 The treasurer is responsible for paying out of such money, orders drawn by or upon the authority of the board of school directors. The town school district treasurer keeps the financial records of cash receipts and disbursements, and shall make those records available to the board of school directors or the supervisory union board upon request. Finally, all money in the school district account may be invested and reinvested by the treasurer, with the approval of the board of school directors. 16 V.S.A. § 426

**21. School taxes must be paid to the school district within 20 days of the due date.** The law provides that, within 20 days after the date the school taxes become due and payable, or within such other period of time as is agreed upon in writing by both the selectboard and the schoolboard, the town treasurer must deposit in the school account, payments of the school tax levy received. 16 V.S.A. § 426 Note that, within 120 days of the school taxes becoming delinquent, but in no event later than the end of the school year, the treasurer shall deposit the balance of the sum of the gross school tax levy in the school account (even if they haven't yet been collected from the taxpayer.)



**22. Laws That Apply To Towns And Town Officers Apply To All Municipal Corporations.** Vermont law specifically provides that “the laws applicable to the inhabitants and officers of towns shall be applicable to the inhabitants and similar officers of all municipal corporations.” Note that this section of the law does not override the general rule that individual municipal charters or special laws that apply to particular municipalities will govern over the general law. 1 V.S.A. § 139

**23. No Requirement To Bid Town Contracts.** No law requires the selectboard to put out to bid contracts for the town. The board has a fiduciary responsibility to the taxpayers to enter into contracts that are prudent and in the best interest of the town, but unless the board adopts a bidding policy, no open bidding is required. This is in contrast to the rules that govern school district contracts. These rules require public bids when the cost exceeds \$15,000 for the construction, purchase, lease, or improvement of any school building, the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students or for a contract for transportation, maintenance, or repair services. 16 V.S.A. § 559 Additional rules apply when a school construction contract exceeds \$500,000.

**24. Union School Officers Take Office on July 1st, Except for Moderator.** According to law, “union district officers elected at an annual meeting shall enter upon their duties on July 1 following their election and shall serve a term of one year or until their successors are elected and qualified, except that if the voters at an annual meeting so vote, moderators elected at an annual meeting shall assume office upon election and shall serve for a term of one year or until their successors are elected and qualified.” The law also provides that school directors elected at an annual meeting shall assume office upon election and shall serve a term of three years or until their successors are elected and qualified. 16 V.S.A. § 706k

**25. 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

*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.*

### Public Service Awards

This month you will receive a letter in the mail regarding the Public Service Awards. (See page 10). The Public Service Awards are a wonderful opportunity to recognize the time and effort that so many public servants give to the state of Vermont. Attached to the aforementioned letter, you will receive a list of Vermonters in your area who already received the Public Service Award. Please start thinking about who should be honored in your town for their years of public service. If you are interested in being a host for a regional Public Service Awards ceremony, let us know.

### Students at the Statehouse

When the legislature is in session, it is very important to have students visit the State House and see the legislature in action. Please visit the Vermont Legislature at their website to find out how to plan a visit to the State House with schoolchildren from your town. Your local legislators can meet with students and explain what a typical day is like in the legislature! The website address for the Vermont Legislature is [www.leg.state.vt.us](http://www.leg.state.vt.us)

### Educational Resources for the Legislative Session and Vermont's History

## Tip of the Month from the VMCTA

This month's tip comes from **Brattleboro Town Clerk, Annette Cappy**:

To get voting information out to residents, I purchased a large street banner that hangs across our Main St. The banner announces the date, time and place of the upcoming election and hangs for 1-2 weeks prior to any election. The election date is attached with Velcro to make the banner reusable. In extra large lettering over the entire sign is the word VOTE!

I also use four large A-frame, sandwich type signs to put out in heavily traveled areas. The signs carry the same message on both sides attached in sections with Velcro. I put the signs out about 1-2 weeks prior to voter registration deadlines and as soon as the deadline has passed I change the message to announce the date/time/polling hours of the upcoming election.

I solicited funds from area businesses to pay for the signs; all signs state at the bottoms, "courtesy of " (with name or logo of business that funded it). Area merchants were eager to contribute.

To submit a tip, please email Sandy Harris (VMCTA President) at [vernontc@sover.net](mailto:vernontc@sover.net) or mail it to:  
Sandy Harris, Town of Vernon, 567 Governor Hunt Road, Vernon, VT 05354

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We want to wish the best to the following Town Clerks who are retiring. Louise and Velma should be proud of their service to their towns and to the state of Vermont!

**Louise Allen, Bradford Town Clerk**, who is retiring from office after 36 years.

**Velma Plouffe, Richmond Town Clerk**, who is retiring from office after 13 years.

# After Town Meeting: A Checklist

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



# Vermont Public Service Awards

*“Far and away the best prize that life offers  
is the chance to work hard at work worth doing.”*

President Teddy Roosevelt, 1903

Local officials serve mostly as volunteers. Their commitment to public service - without pay (or adequate pay), without applause, without personal advancement, is a precious gift, a gift we should celebrate. In order to honor the hard work of our many dedicated local officials and to encourage others to serve, we are asking for the help of Town Clerks in finding long-serving local officials who have provided their communities with 20 or more years of service. We will be traveling to all the counties in Vermont to hold a ceremony and to present certificates of recognition. So that we do not miss anyone, we are asking for your help!

We will be sending out nomination forms and a "*Guide to Nominating Local Officials*" in the coming months, but ask you to begin listing qualifying local officials in your town. **Nomination forms are due in the summer, and award presentations will begin in the fall.**

**MEETING THE QUALIFICATIONS** In order to qualify for the Vermont Public Service Awards, the person being nominated must meet the following criteria:

- ✓ He or she has served their town for a total of **TWENTY OR MORE YEARS**.  
(see FAQ # 4)
- ✓ He or she has either been **APPOINTED** or **ELECTED** as a **LOCAL PUBLIC** official.

## **FREQUENTLY ASKED QUESTIONS**

1. **If a person has moved out of town, but meets the qualifications for the award, can he or she still be nominated?** YES!
2. **Does a district representative or senator qualify for the award?** NO. They are not considered local town officials but rather state officials. They would only qualify if they have served as a local official (selectman, town clerk, etc.) in addition to being a district representative or senator.
3. **What do you mean by local official?** A local official is anyone who has been appointed or elected to a public position in a town.
4. **Can a person who has served both as town clerk and zoning administrator during the same ten years meet the criteria of twenty years or more?** NO. A person who has served two or more different positions for the same period of time does not meet the qualifications for the award. He or she must have served for a total of twenty individual years.
5. **If a person volunteered with the fire department or other town organizations, does he or she qualify for the award?** YES.
6. **If the person is deceased, does he or she qualify for the award?** NO (*but there are exceptions, please contact Kathryn Mathieson at 828-2148*).

**March 1: TOWN MEETING DAY** (First Tuesday in March). 1:371, 17:2640(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 ballots. 17:2548(a)
- (*Before polls open*) In towns using Australian Ballot, Presiding Officer must post a copy of the warning and notice, and sample ballots. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballot. 17:2523
- Towns using Australian Ballot must open polls 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*) In towns using Australian Ballot, 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, if authorized, or Board of Civil Authority may act on applications until polls are closed. 17:2144b(c)
- Moderator opens business meeting at the time established by Legislative Body (unless town voted otherwise at a preceding meeting). 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. 17:2583(a)
- In towns using Australian Ballot, Presiding Officer directs Election Officials in counting ballots. 17:2581, 2582
- In towns using Australian Ballot, Presiding Officer must seal all ballots, entrance checklist(s) and tally sheets. 17:2583(a), 2590(a), 2689
- (*Immediately after vote is counted*) Under the direction of the Legislative Body, the Town Clerk shall announce and post the results of any charter amendments. 17:2645(b)

**March 2:** (*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 6:** (*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 7:** (*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 8:** (*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 11:**

- (*Within 10 days after election*) Last day for a defeated 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 candidates for Town Meeting local election who have spent more than \$500 to file second campaign finance report with officer with whom nominating papers were filed. 17:2822

**March 16:** (*Within 15 days after an election*) Last day a voter contesting any Australian Ballot vote can file complaint with Superior Court. 17:2603(c)

**March 23:** (*15 days after the warning of the runoff election*) First day a run-off election may be held. 17:2682(e)

**March 30:** (*22 days after warning; warning within seven days after election*) Last day a run-off election may be held. 17:2682(e)

## Quote of the Month

“It is better to know some of the questions than all of the answers.”

James Thurber



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