



# Opinions



Office of the Vermont Secretary of State - [www.sec.state.vt.us](http://www.sec.state.vt.us)  
26 Terrace Street, Montpelier, VT 05609-1101 : Phone 802-828-2363

Volume 12, Number 9

October 2010

## Message from the Secretary

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There is nothing as good in life as being able to appreciate and share the fruits of one's labor. Perhaps this why so many Vermonters spend their summers in the garden!

Last Sunday my husband Paul got me out of bed early and into the garden to harvest our potatoes. Over the years Paul's garden has grown from a small plot beside our house for salad greens, squash, peas and beans to a double plot in the local community garden. He decided it would be fun to try to grow more of our own food.

And what a year it has been for gardeners. We already have a good 20 jars of dilly beans and pickles put by; onions and garlic drying on the porch; bags of carrots and beets in cold storage; and a freezer full of pesto - and more kale than we know what to do with!

But, although I like eating the food from the garden, I must admit, I didn't easily agree to help. I wanted to make a nice breakfast for the kids and take my time over the Sunday paper. But Paul insisted. Harvesting potatoes is a two person job and it couldn't wait. It looked like rain and he needed to get the potatoes out of the ground before it got too much colder.

If you have never harvested potatoes before you should know that while it is backbreaking work - it is also fun. It is like a treasure hunt. One person digs up the garden bed while the other hunts for the potatoes. So although I went reluctantly, I quickly got into the swing of things - hands in the dirt, enjoying the autumn breeze, filling boxes and bags with purple potatoes, red potatoes and Yukon gold. With dirt under my fingernails and aching arms I returned home content.

There are very few things we do in life that allow us to so easily see and enjoy the product of our hard work. Whether it is eating a roasted potato you picked that day, or bringing your kids or grandchildren to a playground you helped to build, or walking through the vault of the new state Archive facility, there is nothing better than enjoying the product of our hard work.

[Deborah L. Markowitz](#)  
Secretary of State

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## Voice From the Vault by Gregory Sanford

### Tolerating Equality: An Archives Month Story

In describing the role of religion in Vermont Samuel Williams wrote, "It is not barely *toleration*, but *equality*, which the people aim at. Toleration implies either a power or a right of one party, to bear with the other; and seems to suppose, that the governing party are in the possession of the truth, and that all the others are full of errors. Such toleration is the most that can be obtained by the minority...." Vermonters, however, "carry their ideas of religious liberty much further than this; that no party shall have any power to make laws or forms to oblige the other; that each denomination may lay themselves under what civil contracts and obligations they please;...that all denominations shall enjoy

equal liberty, without any legal distinction or preeminence whatever." (Samuel Williams, *The Natural and Civil History of Vermont*, Volume II, 1809; pages 382-383).

I have always been intrigued by this statement because it forces me to think about whether my own actions and assumptions reflect a sense of tolerance or equality. In terms of Vermont, Williams' uplifting sentiments were more aspirational than descriptive.

With the normal caveats about broad generalizations, for much of Vermont history our treatment of Catholics often fell short of equality or, on occasion, even tolerance. For example, as a result of petitions to the 1835 legislature an "Act to prevent the establishment of monasteries, nunneries and other superstitious communities within the State" was drafted. It was carried over to the 1836 legislature but does not appear to have been enacted.

To the degree that Vermont Catholics were associated with our Irish or French-Canadian communities, religious prejudice was combined with xenophobia. You can see this in the Anti-Masonic movement of the 1830s, the American (Know-Nothing) Party of the 1850s, and the State's flirtation with the Ku Klux Klan in the 1920s. Catholic churches around the state were periodically targeted by arsonists. Even within the Vermont church there were tensions between Irish and French-Canadian Catholics exacerbated by language differences. We did not elect a Catholic governor until 1972.

Samuel Williams' belief that Vermonters practiced religious equality rather than mere tolerance was only slowly realized. During that time other religions have arrived, shifting the contexts for our dialogues over equality and tolerance (as an aside, Article 3<sup>rd</sup> of the Vermont Constitution still requires "every sect or denomination of christians" to "observe the Sabbath...").

All of which is somewhat besides the point of this month's column. October is Archives Month. Archives Month is promoted nationally by the Council of State Archivists and celebrates the many roles records play in our lives, from documenting our rights, privileges, and obligations, to tracing our family histories, to providing contexts for understanding the world around us.

In Vermont historical/archival records can be found in municipal clerk offices, local historical societies and libraries, academic repositories, museums, the Vermont Historical Society, the State Archives and Records Administration and elsewhere. Within these repositories there are myriad stories of our society captured in historical records of all ilk.

As long-suffering readers know, I love the contextual weave stitched from our historical and archival records. I am never happier than when I encounter records that illuminate the threads of our democratic dialogues. Our collective and individual responses to tensions such as those between tolerance and equality become, across time, part of the fabric of our society. From Florida to New York, Williams' 200 year old warning that tolerance, unlike equality, can be withdrawn continues to play out, adding to that fabric.

There are, beyond my own interests, myriad other joys that users of our documentary heritage experience. As I was writing this a genealogist came in to explain how she had discovered an ancestor who was one of Abraham Lincoln's pall bearers.

Over the years I have been privileged to watch people practice their sense of wonder by researching in records. I have also swapped stories with other local archivists, including municipal clerks, sharing moments when we, or the records we hold, have been able to help someone. One town clerk recently explained how she helped a family trace land records to show how their father had donated land for a playing field for local children. As a result the family's generosity will be recognized by a plaque placed at the field.

During Archives Month I encourage any of you who have experienced a eureka moment while looking at a Vermont historical record, to submit a short (one paragraph) "archival story" to me at [gstanford@sec.state.vt.us](mailto:gstanford@sec.state.vt.us). We will try to post as many as possible on our website at <http://vermont-archives.org/>. Thank you.

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## Opinions of Opinions

### SPECIAL ELECTIONS EDITION OF "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 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. Sick voter may not have ballot delivered unless request was made prior to Election Day.** In order for a voter to have a ballot delivered to herself on Election Day the voter must be either sick or disabled, and the request for ballot delivery must have been made by 5:00 p.m. or the close of the clerk's office on the day before Election Day. 17 V.S.A. § 2531. This means that a person who falls ill on Election Day will be out of luck unless he or she can make it to the polls, or unless he or she had already received an absentee or early voting ballot.

**5. Ballots are delivered by politically balanced pairs.** Vermont law requires that absentee ballots be delivered to disabled or sick voters by politically balanced pairs of justices of the peace or other legal voters designated by the BCA. No pair shall consist of two justices from the same political party. The non-justices are picked from lists of registered voters submitted by the chairs of the town committees of political parties, and from among registered voters who in written application to the board state that they are not affiliated with any political party. No candidate or spouse, parent, or child of a candidate is eligible except justices of the peace to deliver absentee ballots unless the candidate is running unopposed. 17 V.S.A. § 2538, 2546.

**6. When voter dies after casting absentee ballot the vote still counts.** If a voter who has requested an absentee ballot dies prior to Election Day, but the voted ballot has been properly returned to the town clerk with the certificate and signature completed by the voter, the ballot should be commingled and counted with all of the other ballots. The statute provides that absentee voters shall be treated as "present and voting" on Election Day. 17 V.S.A. §2550. Therefore all absentee ballots properly voted and mailed prior to the death of the voter should be counted.

**7. BCA members can be added to work on 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.

**8. Clerk should set reasonable rules for poll watchers.** Poll watchers generally come to the polls to see who has come in to vote (they have their own checklist and take notes as people check in) so that at the end of the day candidates can be sure to get their voters to the polls. Sometimes poll watchers can distract election workers which can lead to errors. Consequently we suggest that the presiding officer set reasonable rules for poll watchers. (These should be told or be given in writing to each poll watcher so they know what is expected of them.) Some suggested rules include:

- No cell phones in the polling place (for all election workers – not just poll watchers)
- No talking to voters
- No politicking in the polling place
- No talking to election workers when voters are present
- Sit or stand behind guardrail or tape-marks on floor

No one has the right to see the entrance checklist during the election except the election workers, except in towns with less than 500 voters on the checklist when a written request has been made at least 12 hours before the polls open. We also suggest that the presiding officer instruct the election workers to speak loud enough for the poll watchers to hear them, and to instruct the poll watchers to let the presiding officer know as soon as there is a problem with audibility.

**9. No political literature, buttons, or other political materials can be handed out or displayed inside the polling place.** 17 V.S.A. §2508. However, any voter can bring a small brochure, card, or paper into the voting booth with him or her to assist the voter in casting his votes. The voter must remove the literature and take it out of the polling place when he or she has finished voting. We strongly suggest that 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 in the booths.

**10. Registered voters in Vermont shall not lose residence for voting purposes solely by living outside of the United States.** 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, regardless of his or her reason for living outside of the United States.

**11. However, once a person moves back to the United States, the person must register to vote in the jurisdiction of his or her current residence.** For example, if a member of the armed forces has been in Germany for 20 years and then retires and moves back to the United States, that person must register to vote in the place in which he or she now resides. If you send a challenge letter as part of your purging process and the person returns your form giving another town or state as his or her residence, you can remove that person from your checklist.

**12. A citizen who wishes to be added to the checklist cannot refuse to take the voter's oath.** When the Vermont Supreme Court struck down Vermont's durational residency requirement as unconstitutional, the court found that the constitutional requirement to take the voter's oath was fine. A voter only need to take the oath once, but each citizen must take it before being added to the checklist for the first time in Vermont. (If you move to another town in Vermont, you do not need to take the oath again.) The law was changed effective July 1, 2008, so now a voter or any person over 18 can complete and sign the form to attest that the new voter has sworn or affirmed the oath. The form must be received by your town clerk before the new voter can receive an absentee ballot or vote in person for the first time in Vermont.

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**1. No bidding required for town projects.** Vermont law does not require the selectboard to go through a public bidding process when they are making contracts or purchases for the town. However, the board has a fiduciary obligation to the people of the town that requires them to use the public's resources wisely.

**2. School districts must bid contracts over \$15,000.** Law requires public advertisement of all contracts over \$15,000 or an invitation to bid to three or more vendors or suppliers. 16 V.S.A. § 559. (If the board receives fewer than three bids the commissioner of education can grant an exception to this rule.) For school construction contracts over \$500,000, the board must follow rules established by the state board of education, and receive suggestions and recommendations on bidders from the state department of Buildings and General Services. 16 V.S.A. § 559.

**3. Board members may not act on their own.** Officials who are elected or appointed to serve on a local board have authority to take action only as part of the board. The law provides that "when joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise." 1 V.S.A. § 172. This means that unless a board authorizes an individual board member to negotiate a contract or make a public statement about the board's policy or position, an individual member of the board does not have power to negotiate or speak for the board. *Goslant v. Town of Calais*, 90 Vt. 114 (1916). (Statements by selectmen acting independently did not legally obligate the town.) *St. George v. Tilley*, 87 Vt. 427 (1914) (Action of one auditor, working alone is not binding)

**4. The selectboard may accept and/or purchase property without voter approval.** There is no law requiring the selectboard to ask the voters for approval prior to accepting a donation or making a purchase of land or buildings. Note that a purchase of land can only be made without voter input where there is already money in the budget to pay for the purchase (for example money in the highway fund could be used to buy land for a salt shed.) See 10 V.S.A. § 6302 (acceptance of donated property). If the board has to borrow money to pay for the purchase it must get voter approval in accordance with 24 V.S.A. § 1786a.

**5. The selectboard may only sell property after notice to voters and opportunity for a town vote.** When the selectboard wishes to sell town property it has to post a notice of the terms of the proposed sale in three public places and publish the notice at least 30 days prior to the proposed sale. If a petition signed by five percent of the voters objecting to the sale is received within the 30 days then a special meeting must be called to vote on the proposed sale. In this situation the board may only complete the conveyance if the voters fail to disapprove of the sale. 24 V.S.A. § 1061. Exceptions to these requirements apply to sales involving town highways, public water, sewer or electric systems, or real estate used for housing or urban renewal projects.

**6. Only the selectboard (or town manager) can enter into contracts that bind the town.** Insofar as the law gives the selectboard general oversight of town affairs it is the board that has authority to enter into binding contracts for the town. There are also a number of specific statutory provisions that make it clear that it is the selectboard's role to

contract for the town. The board can delegate this function to the town manager or to other employees in particular situations; however a contract entered into by an official or employee of the town who is not authorized to do so will be void. *Lakeside Equipment Corp. v. Town of Chester* 172 Vt. 527 (2000); *Courchesne v. Town of Weathersfield*, 174 VT 453 (2003). 24 VSA § 872, 934, 1092, 1236, 2692.

**7. Not every local official must get paid.** While some officers, like 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.

**8. The zoning administrator should not serve on the planning commission.** The law specifically provides that the zoning administrator "may hold any other office in the municipality other than membership in the board of adjustment or development review board." 24 V.S.A. § 4448. However, because the planning commission nominates the zoning administrator and helps evaluate his or her performance, and because the zoning administrator generally provides staffing assistance to the planning commission, we believe it is best practice for the zoning administrator not to also serve as a member of the planning commission.

**9. Selectboard may adopt an attendance policy for the planning commission, zoning board of adjustment (ZBA) and development review board (DRB).** In some towns regular attendance by board members can be a problem. There is no reason why the selectboard cannot adopt a policy of removing appointed commissioners and board members for failure to attend a set number of meetings in a given time period. The law permits the board to remove planning commissioners without cause, so long as it is a unanimous decision. And the board may remove DRB and ZBA members for cause. The policy can establish non-attendance as cause for removal. 24 V.S.A. §§ 4323; 4460.

**10. Board should adopt a policy that outlines rules for using public buildings.** It is a best practice for each legislative body, selectboard, school board, or other public body that owns buildings, to adopt a policy outlining its requirements for use of town or school property by other groups. It is constitutionally permissible for a board to prohibit any and all use by outside groups. However, it is not good policy, and may cause discrimination claims, to allow use of the buildings by certain categories or types of groups and not other groups, unless there is a real difference in the type of use being requested. For example, it is reasonable and acceptable to limit use of certain rooms or spaces to groups of less than 30, or to meetings ending not later than 9 p.m. However, it may be discriminatory to allow the boy scouts to meet in a room, but to turn down a political caucus or a religious organization.

**11. Appeal from lister's determination of tax exemption goes to Superior Court not BCA.** The initial decision about whether a property qualifies for tax exemption is made by the listers. The statutes do not set out an appeal process, and do not expressly authorize the BCA to hear appeals of this issue. 32 V.S.A. Chapter 125. Although it is logical that an appeal of a determination of exemption could go to the BCA, the law does not give the BCA authority to decide tax exempt status. Rather, the statutes authorize the BCA to address issues of value and equalization. Whenever the law does not articulate an administrative appeal, the rules of civil procedure provide for an appeal to Superior Court. And, indeed, there are many cases decided by the Superior Court (and Supreme Court) involving whether a particular exemption is appropriate.

**12. Building rented by church for recreational program is not exempt from property tax.** The law permits property owned or "kept" by a church to be exempt from local property taxes if it is used for specific purpose listed in the law. Even if rental property can be considered property "kept" by the church, the recreational center would not be exempt because the law does not exempt property held by a church for recreational uses. 32 V.S.A. § 3832(2) It is an open question whether it may be possible to exempt the property from taxation through town vote. That is because although property used for recreational purposes may be exempt by vote of the town, the use of property is generally determined by looking at the owner – not the occupant. In this case the owner is using the property as rental property, which is not exempt. 32 V.S.A. § 3832(7)

**13. Selectboard may borrow for highway equipment without vote.** The municipal financing law was amended as of July 1, 2001, so that a selectboard can now approve borrowing for purchases of highway equipment without going back to the voters for approval. 24 V.S.A. §1786(a). This is a very limited delegation of powers and can only be used for equipment to maintain or construct highways or bridges within the town.

**14. Unused highway funds may be carried into the next fiscal year, but they may only be used for highway purposes.** 19 V.S.A. § 312 provides that "the funds raised from town highway taxes shall not be used for any purpose other than that for which the tax was voted, subject to the provisions of this chapter. If in any year money so voted is not expended, it shall be applied for the same purpose the following year." Accordingly, unlike other town funds which may not be carried forward from year to year, a town with excess highway funds may spend them in the next year without additional voter approval.

**15. Selectboard can decide to pave a road without town vote.** It is the responsibility of the selectboard to construct and maintain the roads of the town. Although there is a public process involved when a board wishes to change the classification of a town highway, no public process is required (beyond a decision made during a public meeting of the board) when the board decides that a particular road should be paved. 19 V.S.A. § 304.

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## Civics Behind the Scenes

by Olivia Gay, Civics Education & Vote Outreach Coordinator

### ***Honor A Vet With Your Vote Program Salutes the Vermont National Guard***

In 2009, when Vermont National Guard troops were first deployed to Afghanistan, the *Boston Globe* noted, "For the... Guard, nicknamed the *Green Mountain Boys*, it is the biggest deployment since World War II." Such a commitment from family members, friends and neighbors deserves our recognition and respect. Secretary Deb Markowitz says, "During this time in our nation's history where our service men and women are making such strong sacrifices, it's important that we remember our veterans when we go to the polls on election day. *The Honor A Vet With Your Vote* program is one way to do just that."

The *Honor A Vet With Your Vote* program provides personalized buttons to voters who wish to cast their vote in honor of a particular veteran. Buttons are being distributed through organizations such as the VFW and we are mailing buttons to all Vermont town clerks' offices for distribution at the polls. You may order buttons by contacting Olivia Gay at [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us).

Secretary Markowitz adds, "This is an opportunity for Vermonters to recognize those who have proudly served this country and worked to keep our democracy strong so that we have the right to vote! Thank you for your help in honoring

our nation's veterans."

It is easy to participate and free! For more information about this program contact Olivia Gay at 802-828-1296 or visit the Secretary of State's website at [www.govotevermont.com](http://www.govotevermont.com).

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## College Voters - A Guide to Voting in Vermont

The Secretary of State's Office has created an online publication especially for college voters, "College Voters - A Guide to Voting in Vermont." To view or print the guide, visit <http://www.sec.state.vt.us/collegevoters.html>.

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**The Secretary of State's Office has a variety of stickers available to town clerks for use during the election season.**

To order call Olivia Gay at 802-828-1296 or email at [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us)



**For more information about the Secretary of State's Office's Civics Programs or to order materials visit [www.sec.state.vt.us](http://www.sec.state.vt.us) or contact Olivia Gay at 802-828-1296 or email [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us)**

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## Election Calendar

### OCTOBER 2010

**October 3 (Sunday)** Last day to post the warning and notice for the general election (30 days before the election). 17 V.S.A. § 2521(a) The checklist must also be posted in two or more public places in the town in addition to being posted at the town clerk's office in towns with over 5,000 population. In towns with less than 5,000 population, the checklist must only be posted one place in addition to the clerk's office. 17 V.S.A. §§ 2141, 2521(a) In towns that divide their checklist, that portion of the checklist that applies to the district should be posted.

**October 13 (Wednesday)** Last day for town clerks to post sample ballots (for the general election) in the same places that have previously posted copies of the warning, notice, and checklist. (20 days prior to the election.) 17 V.S.A. §2522(a)

**October 15 (Friday)** Last day for U.S. Congressional candidates to file FEC quarterly reports for the October quarter (Aug. 5-Sept. 30). 2 U.S.C. § 434(a)(2)

Candidates for state office, state senator, state representative, political parties, and political committees who have made expenditures or received contributions of \$500.00 or more must file campaign finance reports with the secretary of state by 5:00 p.m. 17 V.S.A. § 2811(a)(1)

Candidates for the state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

**October 21 (Thursday)** Last day for U.S. Congressional candidates to file FEC 12-day pre-general election reports (Oct. 1-Oct. 19). 2 U.S.C. § 434(a)(2)

**October 25 (Monday)** Candidates for county office (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace) who have raised or expended \$500 or more must file a ten-day pre-general campaign finance report with the county clerk. If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17 V.S.A. §§ 2821(a)(2) and 2103(13) Copies of these reports must be forwarded by the county clerk to the secretary of state within five days of receipt. 17 V.S.A. § 2821(c)

During the 8 days preceding the election and on election day, the clerk shall divide the list of ill and physically disabled voters into as many equal parts as there are pairs of designated justices, and deliver those lists to the justices, together with early or absentee ballots and envelopes. 17 V.S.A. § 2538(b)

**October 27 (Wednesday)** Last day, until 5:00 p.m., to apply for addition to the checklist in order to vote in the general election. Clerks' offices must be kept open from 3:00 p.m. to 5:00 p.m. to receive applications. 17 V.S.A. § 2144(a)

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

Last day for town clerks to receive a request for an application for addition to the checklist accompanying an early or absentee ballot request. 17 V.S.A. § 2532(b) and (c)

**October 28 (Thursday)** Last day for Town Clerk to forward to the Board of Civil Authority a list of voters added to the checklist (at least five days before election). 17 V.S.A. § 2144b(d)

**October 30 (Saturday)** Last day for the board of civil authority to designate pairs of justices of the peace, assuring political balance in each pair, to deliver early or absentee ballots to ill and physically disabled voters (not later than three days before the election). 17 V.S.A. § 2538(a)

## **NOVEMBER 2010**

### **November 1 (Monday)**

Voters, family members, authorized persons, or health care providers may request early or absentee ballots until 5:00 p.m. or the closing of the town clerk's office. 17 V.S.A. § 2531(a) Clerks must make a list of early or absentee voters available upon request in their offices. 17 V.S.A. § 2534

The presiding officer of each polling place must also post a copy of the warning and notice, sample ballots and the current checklist in a conspicuous place in each polling place before the polls open on election day. 17 V.S.A. § 2523(a)

The presiding officer shall also ensure that signs informing voters of procedures for depositing ballots are placed on or near the ballot boxes before the polls open on election day. 17 V.S.A. § 2523(b)

**November 2 (Tuesday) GENERAL ELECTION DAY** - Clerks must make a copy of all early or absentee voters available at their office and in each polling place as soon as it opens. 17 V.S.A. § 2534

**November 4 (Thursday)** In a manner prescribed by the Secretary of State and within 48 hours of the close of polls, the town clerk shall deliver one certified copy of the official return of vote to the secretary of state, representative district clerk, senatorial district clerk and county clerk. 17 V.S.A. § 2588

**PLEASE OVERNIGHT YOUR OFFICIAL RETURNS (ORV) TO THE OFFICE OF THE SECRETARY OF STATE, 26 Terrace Street, Montpelier, VT 05609-1101.**

**November 9 (Tuesday)** - At 10:00 a.m. all canvassing committees (statewide, county, senatorial, and representative) must meet to tally returns. 17 V.S.A. § 2592(g) and (h) The committee shall prepare certificates of election and send or deliver these to the candidates elected, except the statewide committee shall prepare the certificates but not sign them. Each canvassing committee shall also file a canvassing report of its findings with the Secretary of State. 17 V.S.A. § 2592(m)

**November 12 (Friday)** - Deadline for filing ten-day post election campaign finance reports by candidates for local office (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace) who have expended or received \$500.00 or more. Local candidates shall file these reports with the town clerk. 17 V.S.A. § 2822

Last day for a losing candidate to request a recount (within 10 days after the election). 17 V.S.A. § 2602(b)

Last day for statewide and general assembly candidates who have not made expenditures and received contributions of \$500.00 or less to file statement with the Secretary of State's office that candidate has not made expenditures or received contributions of more than \$500.00.

**November 15 (Monday)** - Candidates for state office, state senator, state representative, political parties, and political committees who have made expenditures or received contributions of \$500.00 or more must file campaign finance reports with the secretary of state by 5:00 p.m. 17 V.S.A. §§ 2103(13), 2811(a)(1). Candidates for state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

**November 17 (Wednesday)** - Last day that a legal voter may contest the results of the general election (within 15 days after the election). 17 V.S.A. § 2603(c)

## **DECEMBER 2010**

**December 2 (Thursday)** - Last day for U.S. Congressional candidates to file FEC 30-day post-general reports (Oct. 20-Nov. 28), 2 U.S.C. § 434(a)(2)

**December 15 (Wednesday)** - Deadline for filing post election campaign finance reports with the Secretary of State by candidates for statewide office, state senator, state representative, political committees, and political parties who have expended or received \$500.00 or more.

Also deadline for filing forty-day post election campaign finance reports by county office candidates who have made expenditures or received contributions of \$500.00 or more. County candidates (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace) shall file with the county clerk with whom his or her nomination papers were filed. Copies of these reports must be forwarded by the county clerks to the secretary of state within five days of receipt. 17 V.S.A. §§ 2811, 2821(c), 2831

If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17 V.S.A. § 2103(13) Candidates for the state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

**For the full election calendar, visit <http://vermont-elections.org>**

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## **Tip of the Month**

Town officials may want to check out the Vermont Planning Information Center's (VPIC) website. VPIC is a clearinghouse of information for planning commissions, zoning boards, development review boards, and their staff and all others involved in

land use planning and regulation in Vermont. The site contains links to publications, grant opportunities, training schedules, and an email list serve. <http://www.vpic.info/index.cfm>

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

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## Upcoming Events

To get more information or to register for any of these workshops, visit [www.vlct.org](http://www.vlct.org), call 800-649-7915 or send an email to [info@vlct.org](mailto:info@vlct.org).

**Town Health Officers Workshop** (*Sponsored by the VLCT Municipal Assistance Center and the Vermont Department of Health*) This workshop will comprehensively review the national Healthy Homes initiative, asthma environmental triggers in homes, and monitoring and complying with Vermont's rental housing health code. It will also provide guidance on writing health orders, emergency health orders, and inspection reports.

October 27, Three Stallion Inn, Randolph

November 4, Carter Center, NVDA, Lyndonville

November 9, Mt. Snow, Dover

November 10, Doubletree Hotel, South Burlington

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**Planning and Zoning Forum** (*Sponsored by the VLCT Municipal Assistance Center*) Planning officials from around the state will gather to discuss important topics in planning and zoning regulation such as On the Record review, writing defensible land use decisions, understanding homeowners' associations, the intersection of municipal regulation and agricultural uses, and new legislation that affects local land use permitting.

October 28, Capitol Plaza, Montpelier

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**Budget and Financial Management** (*Sponsored by the VLCT Municipal Assistance Center*) This annual workshop provides an introduction to governmental accounting, strategies for grants management, developing the annual operating budget, and tips for managing the politics of the budgeting process.

November 9, Capitol Plaza, Montpelier

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**Montpelier Health Trust Annual Meeting** (*Sponsored by the VLCT Health Trust*) Members and directors of the VLCT Health Trust will gather to hear annual financial and performance reports as well as information about renewal of the health insurance program.

November 12, Capitol Plaza, Montpelier

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**Auditors' Workshop** (*Sponsored by the VLCT Municipal Assistance Center*) This new workshop is designed for newly-elected as well as seasoned auditors. It will include a review of the statutory duties and responsibilities of auditors, a discussion of best practices, plus a review of various audit checklists to help you conduct the annual audit of your town's accounts.

November 16, Capitol Plaza, Montpelier

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**Ethics and Municipal Land Use Officials** (*Sponsored by the VLCT Municipal Assistance Center and Vermont's Regional Planning Commissions*) Delivered in the evening via interactive television, this workshop will explore the various ethical dilemmas that may con-front municipal land use officials, such as when officials serve in multiple land use roles or when an official's personal life conflicts with his or her role as a land use official. We will discuss how to manage these conflicts, and the consequences of not addressing them, paying specific attention to conflicts of interest, bias, and ex parte communication.

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## Quote of the Month

**Sweat plus sacrifice equals success.**

*Charles O. Finley*

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