



# Opinions

Office of the Vermont Secretary of State

Vol. 12, #8

September 2010

## Elections Calendar

Page 10

## 2010 Vermont Public Service Awards

Page 9

## Quote of the Month

*Freedom is when the people  
can speak, democracy is when  
the government listens.*

## In this Issue

Quote of the Month.....	1
Voice From the Vault.....	2
Opinions of Opinions.....	5
Tip of the Month.....	6
Civics Behind the Scenes....	7
2010 VPSA.....	9
Election Calendar.....	10

## 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.

This year the Vermont Votes for Kids curriculum will be supplemented by a five-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 also have a board game "On the Road to Congress" which is specially designed to teach Vermont's kids how political campaigns work.

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 802-828-1296.

Deborah L. Markowitz, Secretary of State

# Voice from the Vault

## by Gregory Sanford, State Archivist

### Pity the Poor Exemption

They hide in the thickets of statute and case law. They are insatiable hunters, attacking your right to know wherever they find it. They are carriers of a wasting disease that can wither our public records law. They are, we all agree, the cataracts that cloud government transparency.

I am, of course, talking about exemptions to Vermont's public records act (1 V.S.A. §317). Recent legislative sessions, editorials, and political campaigns have raised a hue and cry over exemptions and the insidious threat they pose to our freedoms. They are so elusive they defy easy enumeration; reporters, candidates, and open government advocates count anywhere from dozens to hundreds of exemptions. At one recent primary debate the moderator, a newspaper man, gave up, sputtering that there were "a ridiculous number" of exemptions.



This may be my fault (it is, as my staff likes to say, "all about me"). Years ago I became intrigued by the first exemption listed in §317, which broadly exempts "records which by law are designated confidential or by a similar term." I decided to go in search of these exemptions. Initially I put the results up in narrative form on our webpage; later Tanya Marshall, our chief record analyst, compiled the exemptions into an online database. The database allows you to search by agency, exemption or keyword and is found at <http://vermont-archives.org/records/access/>.

While there are 39 exemptions listed in §317 we found 228 other statutes containing exemptions. Well that is not exactly right and here is where my true culpability begins to emerge.

The database actually lists 267 statutory exemptions, but that includes the 39 exemptions of §317. The list also includes 31 statutes that require some type of compliance with providing a record (not necessarily an exemption) and 12 statutes that govern fees for providing copies of public records. Some statutes—and remember, for the most part I am counting statutes, not exemptions—may have more than one exemption.

But you say, "who cares; one exemption is one too many in an open society." Clearly the news media and almost all the current statewide candidates perceive the exemptions negatively.

Since the database guides us to the various habitats in which the exemptions lurk, let the hunt and extirpation begin. Searching by exemption, the first category is address confidentially, which derives from 15 V.S.A. §1152 and is designed to protect the address of victims of domestic violence, sexual assault, or stalking. The great thing is, if we eliminate this exemption, it is referenced in six different statutes and we would quickly drop from 267 statutory exemptions to 261.

If we search by "client confidentiality" we find 77 statutory exemptions; this should be fertile hunting ground indeed. For example, 12 V.S.A. §1612 exempts medical patient information; 12 V.S.A. §1705 exempts personally identifiable HIV testing results; and 18 V.S.A. §9333 prohibits the use of genetic testing results in certain situations; etc, etc. If we can eliminate these 77 statutes we are now down to a mere 190 exemptions.

The temptation would be move on to personally identifiable information (147 statutes) but that would be like shooting exemptions in a rain barrel. After all, who would want to exempt their personal tax information from disclosure by the Tax Department (exemption #6 in 1 V.S.A. §317)?

Okay, okay; I am yanking your chain. My point is that “public record exemption” has become such a negative reference symbol in our public dialogues that we lose sight of some of the privacy and other concerns they are designed to protect. All aspects of our public records laws should be routinely revisited and, if necessary, repealed or clarified; that is essential. But we should not automatically assume—as much of the current dialogue does—that exemptions are inherently evil.

As we expect and approve more and more government services, government by necessity gathers more and more information about our lives to determine need, eligibility, and other criteria. Consequently we need safeguards to protect the unwarranted disclosure of this personal information, particularly in the absence of a comprehensive law protecting personal information. We should not lose sight of the fact that our public records law was designed to make government, not the lives of citizens, more transparent. We also live at a time of heightened security concerns and therefore create exemptions for ongoing criminal investigations; computer codes and encryptions embedded in certain government information systems; and details of vital infrastructures.

As an aside, it is interesting to note our (appropriate) dis-ease with personal information in public records and our much more cavalier attitude to the vast of amounts of personal information collected, sold, and manipulated by internet providers, credit card companies, retailers, airlines, etc.

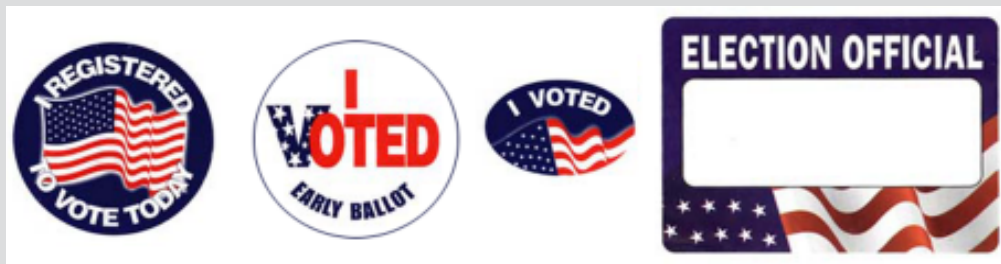


I think a more robust story must be told than can be provided by simply counting the number of exemptions or by sputtering that, whatever the number, it is “ridiculous.” Without a better understanding of why an exemption has been made we will never know if it strikes an appropriate balance between your privacy and your right to know. Without understanding the intent of an exemption we cannot easily judge whether it is being misapplied. No citizen should be exempt from developing a better understanding of our records laws.

Note: For our failure to adopt laws protecting personal information see the April column at <http://vermont-archives.org/publications/voice/pdf/PrivateLifeOfPublicRecords.pdf>).

**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)**



# Opinions of *Opinions*

## by Secretary of State Deb Markowitz

- 1. Clerks should provide private space for early voting.** The law provides that every voter shall have the right to mark his or her ballot conveniently and privately. 17 V.S.A. §§2502(b), 2504. Now that more voters are choosing to vote early in the town clerk's office, private space must be provided so that the voter can vote secretly. Some clerks have set up voting booths in the office, or have a tabletop privacy barrier for use at the counter or on the table used by title searchers.
- 2. Voters must vote where they live.** A citizen must register to vote in the Vermont town or city where his or her "principal dwelling place" is located. 17 V.S.A. §2122(b). This means that if a person's property is located partly in one town and partly in another town, the person must register to vote in the town in which the house or dwelling place is located. Note that there are some exceptions to this rule which permits a person who is temporarily living elsewhere to continue to vote in town.
- 3. Early voters cannot get voted ballot back.** If an early voter mails or returns in person a voted ballot in the sealed signed envelope to the town clerk, the voter cannot ask for those ballots back so he or she 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 ballot box on election day.
- 4. Early voter can return spoiled ballot and get a new one.** If an early voter discovers that he has made a mistake and spoiled his ballots prior to returning the ballots to the clerk, he can return all of the spoiled ballots and envelopes to the town clerk and request another set of ballots to vote. An early absentee voter has the same opportunity as a voter in the polling place to request up to three sets of ballots if he spoils or makes a mistake in marking the ballots. 17 V.S.A. §2568
- 5. Any person may return an absentee ballot for counting on election day.** Vermont law does not place restrictions on how an early absentee ballot must be returned—it simply must be received by the town clerk or presiding officer prior to the close of the polls on election day. Any person, a neighbor, delivery boy, or even a candidate can return the voted ballots in the sealed and signed certificate envelope (and in the primary, the unvoted ballots also) of any voter.
- 6. One person – one vote on the BCA.** There are many cases in which a person is elected to serve both as a selectboard member and a justice of the peace. When this happens, 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 three members must be present and then a majority vote of the board members present is sufficient to take action.
- 7. Upon request, selectboard may appoint additional BCA members to help conduct elections.** If less than three members of a major party have been elected to serve on the BCA, the town committee of a political party or any three voters who are affiliated with a political party may make a request to the selectboard to have persons affiliated with the underrepresented party appointed to the board of civil authority to serve as election officials and assist with the election duties of 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 major party up to three members. Remember, these appointed members are election officials but cannot participate in any other BCA duties such as tax appeals nor perform marriages.
- 8. Constables are no longer required by law to "guard" the ballot box or tabulating machine.** The presiding officer can assign an election official to stand approximately four feet away from the ballot box or tabulating machine to be available to answer questions for voters. The voter **MUST DEPOSIT HIS OWN BALLOT INTO THE BALLOT BOX or TABULATOR**. If the tabulator rejects the ballot due to an overvote, then the election official moves to the left side of the tabulator to read the display screen and tell the voter which is the first race in which the voter has voted for too many candidates. The most frequent complaint to our office on election day is that an election official has "taken" a voter's ballot to deposit in the ballot box or has hovered to close to the tabulating machine so that the voter fears that his ballot is being "read" by the election official.





9. **Overseas voters continue to vote where they last resided.** Registered voters who are serving in the military and U.S. citizens who live outside the United States may register and continue to vote in the jurisdiction where the voter resided immediately prior to moving overseas. Even if a person was not on your checklist, if he resided in your town or city immediately prior to either joining the military or moving overseas, then that person can submit a voter registration form (application to the checklist) and request absentee ballots.
10. **There are many ways to expedite delivery of a ballot to military or overseas voter.** If a military or overseas voter is concerned about the transit time it takes to receive the ballots and then return the ballots, the voter, a family member or friend can give the town clerk a prepaid overnight or express delivery envelope to speed delivery. A town clerk may fax ballots to a military or overseas voter upon request along with a certificate to be affixed to a No. 10 envelope to sign and return the ballots inside. A town clerk may also **email a PDF** of the ballots to a voter along with a PDF of the certificate to be affixed to the return envelope. The voter can then print the ballots, mark the ballots, complete the certificate, affix it to a No. 10 envelope, then place this in an express delivery envelope for return to the town clerk.
11. **Official Return of Votes must be completed within 48 hours of the election.** Town clerks must send the Official Return of Votes (ORV) not later than 48 hours after the primary and general elections to the Secretary of State in the prepaid overnight mail envelope that was sent to all clerks. The town clerk must also file a copy of the ORV with the senatorial district clerk, county clerk, and representative district clerk. The Elections Division has already sent copies of the tally sheets, summary sheets, and Official Return of Votes forms to all town clerks along with detailed instructions.
12. **Reasonable rules for pollwatchers can be set by each presiding officer.** Make copies of your rules to give to the pollwatchers. The rules may include: no cell phones, no chitchatting with voters or election workers, sit or stand where assigned by presiding officer (behind guardrail or tape marks on floor). When setting up the entrance checklist area, you must allow pollwatchers to sit or stand where they can hear the name of each voter, so the election officials at the entrance checklist must speak loud and clear.
13. **Small towns must allow viewing of the checklist on election day.** In towns with less than 500 voters, pollwatchers may make a written request at least 24 hours before election day to be able to come to the polling place and inspect the checklist at times when it is not in use by the entrance checklist election officials. 17 V.S.A. §§ 2572, 2564
14. **Towns are not required to use bid process.** There is no state statute that requires towns to use a public bid process. However, many towns have adopted public bid policies, and some towns include bidding requirements in their charters. Whenever a public official may be an interested bidder, a public bid process should be used to ensure that the public has confidence in the selection process. Note that the law requires public bidding in many school district contracts.
15. **Board members who bid on town contracts must not participate in discussion or vote on contract.** Whenever a board member wishes to bid on a town contract the board member should remove him or herself from the board for the purpose of the discussion and vote. To avoid even the appearance of undue influence the board member should not be present during the discussion and vote.
16. **Board members should stay away when board decision could affect their pocketbook.** Whenever a board member has a financial interest in a decision of the board he or she serves on, the board member should not only not participate in the decision but he or she should not be present during the discussion of the matter. This is because it is important for the public to feel confident that the decision was made in the best interest of the community, and that the interested board member did not exercise undue influence on other board members. Note that there is no law that regulates this type of conflict of interest outside a quasi-judicial proceeding. However, the law permits communities to adopt ethics policies that would reach these types of conflict of interest either by vote of the board or by a voter petition. 24 V.S.A. § 2291 (20)
17. **Town agent and listers are disqualified from participating on tax appeals as members of the BCA.** In the event that a town agent or a lister is also a member of the board of civil authority, the agent or lister is prohibited from serving as a member of the board when it is conducting tax appeals. The law provides that “listers and agents to prosecute and defend suits wherein a town is interested shall not be eligible to serve as members of the board while convened to hear and determine such appeals...” The law goes on to say that “listers and agents to prosecute and defend suits wherein a town is interested shall be given the opportunity to defend the appraisals in question.” 32 VSA § 4404 (d).



**18. BCA can convene tax appeal hearings and then schedule individual hearings by continuing the hearings to a later date.**

Vermont law requires the board of civil authority to begin tax appeal hearings no later than 14 days after the last date allowed for the notice of appeal. 32 V.S.A. §4404 requires the hearings to start within the 14 days but does not require that the hearing be completed on that date. Consequently, if there are too many appeals for the board to be able to hear all of them at this first hearing date the board may convene and then continue individual hearings to a later date. In towns that have held town wide reappraisals and have a great many appeals, it makes sense to use the initial hearing date as an organizational meeting to explain the process to appellants and to schedule individual cases to be heard at a later date.



**19. Tax appeal hearing may be postponed at request of appellant.** A person bringing a tax appeal may request that his or her appeal date be changed to a time that is more convenient. The board may choose to go forward with the tax appeal on the scheduled date, but if it decides to postpone the hearing, the board should obtain a written waiver from the appellant of the 14 day requirement.

**20. No state agency can force selectboard to act.** We get regular calls from disgruntled citizens who are mad at their selectboard and are looking for a “higher authority” who can force the board to be responsive to their concerns. Of course, in Vermont the local elected officials are accountable solely to the people they serve. There is no “higher authority” who can intervene - unless the board fails to follow the state law. In such a case a citizen can go to court - and the court can demand that the board comply with the law. Because it is costly and time consuming to go to court, in most cases the best recourse for citizens who are upset about an unresponsive board is to elect new members at the next town meeting.

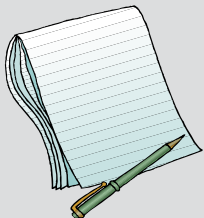
**21. Board members may not act alone.** A member of a board only has authority to act as part of the board. This rule applies to all local boards. For example, for a three-member board to act in a quasi-judicial proceeding, at least two members of the board must hear all of the evidence and must agree upon a decision.

**22. Nonprofit boards do not have to follow open meeting law.** Nonprofit corporations are private entities – even if they receive public money to operate, and even if they provide public services to citizens of the town. The open meeting law applies only to “public bodies” which are defined as “any board, council or commission of the state or one or more of its political subdivisions, any board, council or commission of any agency, authority or instrumentality of the state or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils or commissions . . .” Therefore, Vermont’s open meeting law will not apply to the board meetings of non-profits.

*In our monthly Opinions, we provide what we believe the law requires based upon our legal judgment, years of observing Vermont's local government practices, and Vermont Court decisions. This information is intended as a reference guide only and should not replace the advice of legal counsel.*

## Tip of the Month

Join Muninet!



The Muninet Internet ListServe is an online discussion group for all municipal officials and is maintained by the University of Vermont. Muninet acts as an electronic bulletin board for anyone who wants to post a municipal question or answer a question. A copy of the question or answer is automatically sent to **ALL** Muninet subscribers.

The ListServe is free and the only requirement to participate is an email account. For instructions on how to access Muninet, please go to [www.sec.state.vt.us/OtherSites/muninet.htm](http://www.sec.state.vt.us/OtherSites/muninet.htm).

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

# Civics Behind the Scenes

by Olivia Gay, Civic Education and Voter Outreach Coordinator

As you know from our last issue, Missy Shea has left our office for the classroom where she will bring her signature energetic commitment to one school instead of many. She leaves big shoes to fill and I thoroughly appreciate the terrific work she has done to support civic education and outreach to voters in our great state.

I welcome input from you as I learn the job and prepare to welcome a new Secretary of State in January. Now is the time for you to voice your comments about what we do now and what you'd like us to do in the future. You can call me, Olivia Gay, at 828-1296 or e-mail me at [olivia.gay@sec.state.vt.us](mailto:olivia.gay@sec.state.vt.us). I'm an election official in my home town of Calais

and I'm excited to work with teachers, students, municipal officials and others to bring our programs to the public.



Our office is a veritable flurry of activity these days, simultaneously preparing for back to school and the fall elections. In our ongoing effort to prepare future citizens, our office provides resources for Vermont students from kindergarten through college, and things are especially

exciting (and hectic) at this time of year! Below is a brief description of a few key programs. As always, the involvement and support of municipal folks is greatly appreciated. In particular, town clerks do so much for voters of all ages.

## Vermont Votes For Kids

Our civics education program is in full swing and being used by schools all over Vermont this fall! The K-12 civics curriculum provides students the opportunity to research candidates and help them understand how elections work.

## Democracy in Action Newspaper Pages

Daily newspapers across the state will run this six-week series to supplement the Vermont Votes For Kids program. The Burlington Free Press will feature these pages in their Newspaper In Education E-Edition that syncs with Smart Boards. Students can read about the history of voting rights, hot election issues, the polling process, how to evaluate campaign advertising, and much more! For more information, go to <http://www.sec.state.vt.us/kids/vtvotes/dia.shtml>.

## Mock Elections

The culmination of the VVK experience is a mock election where students cast their ballots at school or at their town polling place on Election Day. To provide the best, most realistic voting experience for students, town clerks and teachers can work together to hold the mock election at the town polling place. Please be ready for these requests and call me if you have questions or concerns regarding the mock election process at your polling place or at your local school.

## College Voters

Our office is working with students and staff from Vermont colleges around the state, sponsoring voter registration efforts, to encourage our youngest voters to voice their vote. Our online "College Voter's Guide" is a fantastic resource for first-time voters.

## Honor A Vet With Your Vote

The orders are starting to come in for Honor a Vet buttons! Some clerks are sponsoring button drives in their community at town gatherings and events. Thanks for your efforts in recognizing the important contributions of our nation's veterans.

## Election Materials

*Register to Vote Here* signs and elections stickers are available. And we have a supply of *I Voted* stickers as well as buttons and bumper stickers with our *Your Vote is Your Voice* message and lots of voter education resources. Call 802-828-1296 for election day materials.

Please visit our website at [www.sec.state.vt.us](http://www.sec.state.vt.us) for more information or to order materials.

## Upcoming Events

### NEMRC Basic Computer Lab

**Date:** Wednesday, September 15, 2010 – Vermont Association of Realtors, 148 State Street, Montpelier  
Wednesday, September 22, 2010 – Ludlow Police Department, 19 West Hill Street, Ludlow

**Time:** 9:00 AM – 4:00 PM

**Tuition:** \$ 50.00 – VT Town officers \$ 75.00 – Firms and others

**Summary:** Offered by the Vermont Tax Department, students will learn basic data entry skills and have the opportunity to enter a property into the system. Minimal computer skills required. Maximum enrollment – 14/session

**Register:** <http://www.state.vt.us/tax/pvrlistereducation.shtml> (Vermont Tax Department)

---

### Income Approach to Valuation – IAAO Course 102

**Instructor:** Marion Johnson

**Date:** Monday – Friday, September 13-17, 2010 – Holiday Inn, 476 US Route 7 South, Rutland

**Time:** 8:00 AM – 5:00 PM

**Tuition:** \$ 400.00 – VT Town officers \$ 450.00 – Firms and others

**Summary:** The Income Approach to Valuation is designed to provide the student with an understanding and working knowledge of the procedures and techniques required to estimate the market value of vacant or improved properties by the income approach. The material covers real estate finance and investment, capitalization methods and techniques, analysis of income and expenses to estimate operating income, selection of capitalization rates, and application of the approach. The Income Approach to Valuation utilizes lectures, classroom discussion, and homework problems to emphasize the main concepts and procedures taught in the course. Recommended: Course 101, Property Assessment Valuation (PAV) textbook - AQB  
Approved: 33.50 QE, 33.50 CE with exam / 30 CE no exam

**Register:** <http://www.state.vt.us/tax/pvrlistereducation.shtml> (Vermont Tax Department)

---

### Residential Modeling Concepts – IAAO Course 311

**Instructor:** Bob Estey

**Date:** Monday - Friday, October 4-8, 2010, Comfort Inn and Suites, 102 Ballardvale Drive, White River Junction

**Time:** 8:00 AM – 5:00 PM

**Tuition:** \$ 400.00 – VT Town officers \$ 450.00 – Firms and others

**Summary:** Course 311 presents a detailed study of the mass appraisal process as applied to residential property. Topics covered include a comparison of single-property appraisal and mass appraisal, the major steps in the mass appraisal process, data requirements, market analysis, application of the approaches to value, use of sales ratio studies, and valuation review techniques. Recommended: Course 300, Mass Appraisal of Real Property textbook (MARP)

**Register:** <http://www.state.vt.us/tax/pvrlistereducation.shtml> (Vermont Tax Department)

---

### VLCT Town Fair

**Start Date:** Thursday, October 7

**Start Time:** 8:00 AM

**Place:** Robert E. Miller Expo Center, Champlain Valley Exposition in Essex Junction, VT

**Directions:** <http://cvexpo.org/directions.aspx>

**Summary:** Come join VLCT staff for a great day of training, networking, recognition and exhibitors! Planning-related topics include stormwater issues, social media, conflicts of interest, and more.

**Cost:** \$25 - \$50

**Contact:** Jessica Hill at Vermont League of Cities and Towns

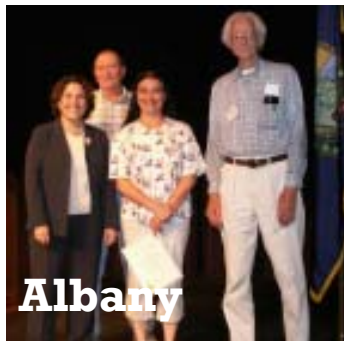
**Phone:** 802-229-9111

**Email:** [jhill@vlct.org](mailto:jhill@vlct.org)

**Registration:** <http://www.vlct.org/eventscalendar/townfair/>



## 2010 Vermont Public Service Awards



**Albany**



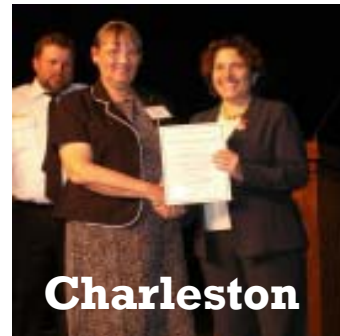
**Barnet**



**Barton**



**Canaan**



**Charleston**



**Craftsbury**



**East Haven**



**Kirby**



**Lyndon**



**Newport City**



**Waterford**



**Westfield**

**Municipal officials from Caledonia, Essex, and Orleans counties who have served for 20 or more years were honored at a ceremony on June 18, 2010. For the entire list of 2010 award recipients, visit [www.sec.state.vt.us](http://www.sec.state.vt.us)**



**Westmore**

# Elections Calendar

## SEPTEMBER 2010

**September 3 (Friday)** Last day for a losing candidate to request a recount (within 10 days after the election). 17 V.S.A. § 2602(b)

Last day that a candidate nominated by more than one political party for the same office may elect the party or parties in which the nominee will be a candidate (2<sup>nd</sup> Friday following primary). The nominee shall notify the Secretary of State or town clerk, as the case may be, of such choice. 17 V.S.A. §2474

Last day for party committees to nominate a candidate due to the death or withdrawal of a candidate after the Primary Election. The party committee has seven days from the date of withdrawal of a candidate. 17 V.S.A. §2386(b)

**September 4 (Saturday)** Within five days of the date of mailing or personal delivery of a statement of nomination to a candidate for state representative from a single town district, that candidate may request that an error in the candidate's name, residence or party affiliation be corrected or that the candidate's preference as to the candidate's own name be used on the ballot, as well as choosing which party affiliation will be listed if the candidate was nominated by more than one party. 17 V.S.A. §§ 2371(b), 2474

**September 8 (Wednesday)** Last day that a legal voter may contest the results of the primary election (within 15 days after the election). 17 V.S.A. § 2603(c)

**September 15 (Wednesday)** Candidates for state office, state senate, 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). (15<sup>th</sup> of each month.) 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)

**September 20 (Monday)** Town clerks will receive general election ballots by this date (not later than 45 days before the election). Clerks should store the ballots, except those used for sample ballots and early or absentees, in a secure location until the date of the election. 17 V.S.A. §§ 2479, 2103(13)

**September 21 (Tuesday)** Town clerks receive at least five copies of the warning and notice for each polling place in the town (at least five days before they must be posted). Blanks should be filled in on each warning by the town clerk, listing the polling place, address and the time polls open in each town. 17 V.S.A. § 2521(b) The warning and notice can be posted as early as Tuesday, September 21 (40 days before the election).

**September 23 (Thursday)** Last day for clerks to request additional ballots for the General Election, due to unusual growth of the checklist. (40 days prior to the election.) 17 V.S.A. § 2478(d)

Last day for the board of civil authority to divide the checklist and designate polling places for the general election. 17 V.S.A. § 2501(a)

**September 27 (Monday)** Last day that a candidate for county office (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace), state senator, or state representative from a multi-town district may request that an error in the candidate's name, residence or party affiliation be corrected, or that the candidate's preference as to the candidate's own name be used on the ballot (within five days of mailing of certificates). 17 V.S.A. §§ 2371(b), 2103(13)

## 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.**

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

# 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: [gcolbert@sec.state.vt.us](mailto:gcolbert@sec.state.vt.us),

or post: 26 Terrace St., Montpelier, VT 05609-1101.

Be sure to include the information from your current *Opinions* mailing label as well as any changes that you would like to have made.

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



RETURN SERVICE REQUESTED

[www.sec.state.vt.us](http://www.sec.state.vt.us)

802-828-2363

Montpelier, VT 05609-1101

26 Terrace Street

Redstone Building

September 2010

Office of the Vermont Secretary of State

# Opinions

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