

Opinions

Office of the Vermont Secretary of State



Vol. 8, #2

A Message from the Secretary



As Vermonters we value civic responsibility, we cultivate self-reliance and we cherish community life. The tradition of town meeting is at the very center of these values.

For over 200 years, Town Meeting Day has been an important political event in Vermont. But we all know

how fragile this form of direct democracy can be. That's why it is so important to give Vermonters the tools they need to participate in town meeting; and why it is important to teach our children about this civic tradition. This is why we have developed a number of publications and a comprehensive website designed to encourage all Vermonters to participate in town meeting.

A Citizen's Guide to Vermont Town Meeting is a short publication designed to help citizens understand the history of town meeting and how town meeting works today. The *Handbook for Moderators* is designed to help prepare moderators for the challenge of ensuring that our town meetings run smoothly. Our town meeting website is designed to help citizens and local officials and includes the *Citizen's Guide* and *Handbook for Moderators*, as well as a *Voter's Guide to Town Meeting Procedure*, a *Guide to Petitioning* and many other resources. You can view the website at: www.sec.state.vt.us/townmeeting/index.html.

In addition to our town meeting website, we have made available to Vermont schools materials that are designed to educate our children about the tradition of town meeting. Our middle/high school curriculum, *Town Meeting – A Vermont Tradition* includes suggestions for classroom activities and articles designed to stimulate classroom discussion about the pros and cons of Australian ballot voting versus floor meetings, and whether it is appropriate to be discussing social and political issues as part of town meeting. *Town Mouse and Country Mouse Go To Town*

Meeting, designed for children in 3rd – 5th grade, walks the children through town meeting and Australian ballot voting, highlighting the differences between these two forms of voting. It also includes fun activities and a teacher's guide with ideas for classroom discussions and activities. Finally, *The Town Meeting Coloring and Activity Book* was designed as an early elementary curriculum and includes basic information about Vermont's town meeting with easy to color pictures and other activities.

For free copies of *The Citizens Guide to Vermont Town Meeting*, the *Moderator's Handbook* and the town meeting curriculum materials contact Janel Johnson at jjohnson@sec.state.vt.us or call 802-828-2148. These booklets are also available online at <http://www.sec.state.vt.us>.

Deborah L. Markowitz, Secretary of State

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The Values of Archives

“Criminals frequently are not alone responsible for their crimes. Society must measurably share the responsibility with them. ..Have [society’s] laws, institutions and usages, all been fitted to inspire abhorrence of violence and wrong, and so to make men heartily averse to evil-doing?....Has its legislation all been shaped with the view of making men wiser and better? On the contrary, has it not multiplied statutes to *punish*, rather than *prevent* crime?” [emphasis in the original]

Egads, someone get Bill O’Reilly on the phone, those latte-sipping, Birkenstock-wearing, Volvo-driving Vermont liberals are at it again! Vermont is never going to live this down. What possibly could have been going through the minds of the 1859 special House committee to consider abolishing capital punishment? Could this be the same state that once allowed a menu of sentences for crimes, only asking that “such reasonable and exemplary punishment may be inflicted on such offender...that others may hear and fear.” (An Act for the Punishment of Lascivious Carriage and Behavior passed February 19, 1779).

“We must take human nature, and make constitutions and laws for its regulation and government, as we find it to be,” noted the 1813 Council of Censors, explaining why an independent judiciary was essential. After contemplating the fate of “the republics of ancient times,” the Censors concluded that those republics failed because they “made their judges dependent immediately on the people; thus securing in themselves the seeds of their dissolution; and having no independent judiciary to withstand the violence of popular factions and individuals, they soon became a prey to themselves.”

Throughout our history Vermonters have debated the nature and purpose of punishment; whether rehabilitation was possible or desirable; and how to protect the independence of the judiciary while holding it accountable to the people. These dialogues have sometimes been conducted with rancor; sometimes with great thoughtfulness. The pendulum of societal expectations has swung back and forth across the years. In the second third of the 19th century, following the sudden reappearance of the alleged victim on the eve of the execution of his convicted murderer, Vermonters continually questioned capital punishment. In the last half of that century the push to abolish capital punishment abated and half of the executions carried out in Vermont took place between 1862 and 1892.

The Archives holds records from these past dialogues. They could be useful, by providing context, in informing current discussions on the nature of punishment and judicial independence. It may be one of those discretion and valor things, but I am not going to elaborate on the historic evolution of those issues. Rather, I would like to explain how records end up in the archives and how people can access them. While many of our older records got here by accident, under current archival management practices the acquisition of records is more structured.

One of the questions we are frequently asked by government officials is, how do we determine what is an archival record? An archival record, in its narrowest definition, is an institutional record that has a continuing value. The three most common categories of values are legal, administrative and historical. The act of identifying which records, under which value, are archival is called appraisal.

Identifying legal value is relatively straightforward. What mandates governed state government’s actions and deliberations at the time those actions and deliberations occurred? The legislative intent was clear in the early (1780s) laws creating the archives within the Secretary of State’s office: preserve and keep accessible records with a continuing legal value such as acts of the general assembly or town charters.

Administrative value is often intertwined with legal value: how did we implement our mandates? Clearly not all administrative records have a continuing value but those that document the fulfillment of core functions are likely candidates. A recent example was documenting how the legislature administered the constitutional mandate to select a governor when no candidate received a majority.

Ironically, since most people assume the archives is primarily a historical function, determining historical value is often the most difficult appraisal decision, one that is secondary to the institutional needs of documenting legal and administrative mandates and practices. How do we know which records will have a historical value to future scholars or the general public? Who, for example, in the 18th or 19th centuries would have anticipated the broad current interest in the history of women in society and thus preserved records relating to “women’s history?”

The primary archival answer is that, if you have correctly identified the core functions of each branch, agency or department, and determined which legal and administrative records best document how that function was implemented over time, then you will have captured records of historical value. The question remains, however, of how to extract historical information related to a particular topic from records that were primarily preserved to document the legal and administrative activities within a function? How, to use the above example, do you find records related to the history of women within court, property, legislative or other records? Or, referring back to the opening quotes on the balance between punishment and rehabilitation and judicial independence and accountability, how can one locate documentation on the historical swings between those concepts?

This touches on two key roles of the archivist. The first is a reference function, usually achieved through an interview with a researcher to determine what is being sought and then, based on knowledge of the archives’ holdings, identify which records might provide the best documentation. The second role is to create a sufficient level of intellectual control over the records so that documents germane to a research inquiry can be easily located. By “sufficient level” I mean a broad categorization of records rather than the impossibility of trying to maintain item-level control of hundreds of thousands of records. While the goal is to provide formal intellectual control, access will always be enhanced by the knowledge of the archivist. Think of the times a municipal clerk may have guided you, through her own knowledge of the holdings as well as her indices, to the records you seek.

The challenge is in finding ways to better share the records, information and knowledge in our state and municipal archives. Certainly the Internet provides some opportunities for sharing that knowledge as evidenced by our Web presentation on “continuing issues” (go to: <http://www.vermont-archives.org/governance/govern.htm>). We are currently exploring other ways to use the Internet and welcome any suggestions on what types of information you would like to see posted, in what form.

Tip of the Month from the VMCTA

"Is your office overflowing with paper - no place to put anything, but no money in the budget for additional storage? What you need is a “Disposition Plan.” Contact Mark Reaves, State of Vermont Public Records Information Specialist at 828-1005. He will visit your office and help you determine what documents can be disposed (no charge). Once you have cleaned house you can devise a disposition plan. In Barre Town, any document that is “disposable” is labeled with a disposition date (green marker) before being placed in the vault. Then every month, quarter, etc. you can easily tell what documents can be disposed of."

If you have a good tip that you would like to share with our readers please email it to Clyde Jenne at hartlandvtclerk@vermontel.net or mail it to:
Clyde Jenne - VMCTA President
P.O. Box 349
Hartland, VT 05048



Opinions of *Opinions*

- 1. Mortgage discharge fee is \$7.00 per discharge.** There is often confusion about how a clerk may charge for mortgage discharges. This is because the law states only that mortgage discharges are \$7.00 per page and does not address how to charge for a mortgage discharge that may contain reference to multiple mortgages. 32 V.S.A. § 1671. Note, however, that a 1988 Attorney General's opinion attempts to clarify the issue and provides that clerks can charge \$7.00 for each discharge, rather than \$7.00 per page, regardless of how many discharges are included on the page.
- 2. Town and town school district moderators are separate offices.** The town school district must elect a moderator as the first order of business or by Australian ballot, if the district has voted to elect all officers by Australian ballot. Although the same person may serve as both Town Meeting Moderator and School District Moderator, separate candidacies and separate elections are required in each municipal annual meeting, and in municipalities that vote officers by Australian ballot, a separate petition must be submitted for Town School District Moderator to the school board, and for town moderator to the Selectboard. 17 V.S.A. § 2646; 16 V.S.A. § 491.
- 3. Town treasurer is school treasurer unless the district votes to have separate treasurer.** 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. 16 VSA § 426 (a). In order for the school district to elect its own treasurer it should first vote to elect a school treasurer, after which it can vote to fill the office.
- 4. Vote to use Australian ballot goes into effect at next meeting.** To change from a floor meeting to Australian ballot for election of officers, budgets, or public questions, an article must be placed on the warning as directed in 17 V.S.A. §2680. Sample wording for each type of article is included in the statute. If the article to change to Australian ballot passes, the town or district will begin using the Australian ballot at its next special or annual meeting.
- 5. Australian ballot cannot be used to reconsider vote unless it was used for the initial vote.** Because a reconsideration vote is considered a continuation of the initial meeting, a reconsideration vote must be made in the same form as the original vote. This means that a budget re-vote must be held at a floor meeting even if the town votes at the same annual meeting to use Australian ballot at future meetings.
- 6. Selectboard member may not serve as interim town manager.** Vermont law provides that the town manager shall not hold any elective office in the town or town school district. 17 V.S.A. § 2647. This means that in the event there is a vacancy in the manager's office the vacancy may not be filled, even on an interim basis, by a member of the selectboard or other elected public office.
- 7. Selectboard member and school director may not serve in certain other offices.** Selectboard and schoolboard members may not serve as auditors (and their spouse may not be an auditor), they may not be first constable, collector of taxes, town treasurer, auditor or town agent. Selectboard members may not also serve as a lister. 17 V.S.A. § 2647.
- 8. Person cannot serve in two incompatible offices.** There is no limit to the number of offices that a person can petition to be added to the ballot in a town that elects by Australian ballot, and no limit to the number of offices a person can be nominated for at a town meeting that elects from the floor. However, if elected, a person can only

accept and serve in offices that are compatible (where there is no statutory conflict). A person will need to either resign or not accept one of the offices that creates an incompatibility.

9. Vacancy is created when candidate declines a position. When one person is elected to more than one position and two or more of the positions are incompatible, the person must either not accept or resign from any positions where there is a statutory conflict to serve. This creates a vacancy or vacancies which must be filled according to statutory procedures. Note that the runner-up or next highest vote-getter does not move up to become the winner.

10. A selectboard member who resigns cannot participate in filling of his or her own vacancy. When a selectboard member resigns from office the remaining members of the board votes to fill the vacancy until the next election. When a board member tenders a resignation to become effective at a later date, the vacancy cannot be filled until the date that the office becomes vacant. At that point, the board can vote to fill the vacancy or can call a special election to fill the office. 24 V.S.A. § 961.

11. Selectboard does not have to openly recruit before filling vacancy. No law requires the selectboard to interview candidates or openly recruit before filling a vacancy in town office. Rather, when there is a vacancy in a town office the selectboard must post a notice of the vacancy within 10 days, but they can at any time appoint to fill the vacancy until the next election. The voters may petition for a special election if they wish by submitting a petition signed by 5% of the voters.

12. Wait before warning meeting to fill newly created board vacancies. When the annual meeting voters pass an article to increase the size of the selectboard or schoolboard from 3 to 5 members, a special election can either be called by the board or by petition. We believe that it is a good idea to wait until the 30 day period for reconsideration has passed, before warning a special meeting to elect new board members if your town elects officers by Australian ballot. If there is no petition to hold a special meeting, it is permissible to wait until the next annual meeting to add the new board members. If your town or town school district elects officers from the floor, a voter can move to vote the article to expand the board prior to election of officers so that if the board is expanded, the new members can be elected at the same meeting. 16 V.S.A. § 423, 17 V.S.A. § 2650.



13. Voters can challenge moderator at town meeting. During a traditional floor meeting, any voter can challenge any ruling on points of order by the moderator by requesting that the issue be put to the vote of the assembled voters. Many wise moderators will encourage voters to challenge a ruling when they are in doubt by prefacing the ruling such as “The chair is doubtful, but will rule that” This encourages a voter to rise to challenge. Roberts Rules provides that any voter can rise to ask that the ruling be voted upon by the voters present. It is difficult for any moderator to know every rule and anticipate every type of motion that may be presented. Roberts Rules thus allows the majority of those voters present to decide what is fair and just under the circumstances.

14. Only legal voters can be elected to town office (except the planning commission). To be eligible for election as a school board member, a person must be a legal voter in the school district. 16 V.S.A. § 558. Likewise, a town shall choose from among its legally qualified voters for selectboard, town clerk, town treasurer, and its other elected town offices. 17 V.S.A. § 2646. So long as the person is on the checklist by the day of election he or she is eligible for election. Note that the law does not require all planning commissioners to be residents, so that in towns that elect commissioners there is no requirement that they must be a voter in the town. 24 V.S.A. § 4322.

Opinions Continued

15. Some local officials do not have to be residents. In most cases, in order to be elected or appointed to serve in local office you must be a voter in that municipality. However, the law does not require assistant treasurers or assistant clerks to be residents of the communities where they serve. In addition, the town clerk or treasurer can serve as clerk or treasurer of a village or fire district even if they are not a resident of that municipality. A town tax collector can serve as an incorporated school district collector even if not a resident of the district. There is also no residency requirement for appointment to town planning and zoning boards. However, for the planning commission, at least a majority of the members must be residents of the town.

Opinion number 15 of our February Opinions incorrectly states that a “town clerk or treasurer can serve as clerk or treasurer of a village or fire district even if they are not a resident of that municipality.” 20 VSA section 2485 provides that the fire district must elect a clerk, a treasurer and a collector of taxes at its annual meeting. The statutes go on to provide that “ the fire district may elect the collector of town taxes, although he is not an inhabitant of the district, to be collector of fire district taxes.” 20 VSA section 2486. This makes it clear that although the town tax collector may serve as the district collector, this does not extend to the town clerk or treasurer.

16. Certain officers are elected by paper ballot. In towns that have not adopted the Australian ballot system of voting for local offices, Vermont law requires the use of paper ballots during the town meeting for election of officers to the selectboard, listers, auditor, road commissioner, and water commissioners. 17 V.S.A. §2646.

17. Majority vote is required to elect officials at floor meeting. Vermont law requires local officials to receive a majority of all votes cast in order to be elected during an open town meeting. 17 V.S.A. §2660. Candidates who receive a plurality of votes will be elected in towns that use the Australian ballot to vote for officers. In a floor vote, if no candidate receives the majority in the first paper ballot, then another vote must be taken. If no person has obtained a majority by the end of the third vote, then the moderator shall announce that the person who received the least votes in the last vote shall no longer be a candidate, and continue voting in like fashion until a candidate receives a majority.

18. 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.

19. No new vote is needed to expend reserve fund if fund expenditure was specific in original vote. When the electorate has voted at a town meeting to establish a reserve fund, such as a Highway Capital Reserve Fund, the selectboard is authorized by statute to expend those funds for purchase of capital assets for the maintenance and improvement of highways and the selectboard does not need another article to approve each expenditure (so long as the expenditure is for the purposes for which the fund was established.) 24 V.S.A. §2804. If the selectboard wants to use the funds for some other purpose, then the board needs to warn an article for voter approval to use the funds for a different purpose.

20. Political party designation for local office rare – but possible. Few communities include political party designations for local offices. In most cases it is done because the Municipal Charter provides for such listing. However, the law permits political party designations if the town has voted to provide for such listings, or in the absence of such a vote, if the legislative body votes to permit political party designations.

21. Town officers take office at town meeting. Newly elected town officers take office on Town Meeting Day. Some officials must take an oath before they officially take office. This can be done by the clerk at town meeting, or at any time thereafter. 17 V.S.A. § 2646. An official who is required to take an oath of office (by either swearing or affirming) and who refuses to do so may not take office, thereby creating a vacancy. (See March Opinions for list of officials requiring oath.)

22. Union school officers (Clerk, Treasure, Auditors, Etc.) 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.

23. Moderators should not comment on legality of article. It is best practice for moderators at the annual meeting to refrain from speaking to the legality of an article or to give an opinion about the legal effect of taking action on or passing over an article. Even a well-intentioned comment about the legality or impact of an article could be misunderstood as showing partiality for or against an article. If there is truly no one else in the room that can answer a question, and the moderator feels compelled to enter the discussion, the moderator should call for a moderator pro tem to take over, and step down while he or she participates in the debate.

24. Non-voters may only speak at town meeting with permission of the assembly. Only legal voters can speak at town meeting unless there has been a motion to suspend the rules and permit non-voters to address the group and the motion has passed by 2/3 of the voters. It is a good practice when making such a motion to include some parameters in the motion, such as non-voters may speak to an issue only once, for a time not to exceed five minutes, etc.

25. Upon the request of seven voters, paper ballots are used for non-election articles. If at least seven voters support a request that paper ballots be used for voting during a special or annual meeting, then paper ballots must be distributed and used. 17 V.S.A. §2658. This request must be made separately for each article. Generally, one person makes the motion to call for paper ballots and the moderator looks to see whether there are six people who would “second” the motion.

26. Motion to reconsider must be made before consideration of next article. If a voter wishes to move for reconsideration of an article during town meeting, the voter must make the motion BEFORE consideration of the next article on the warning. 17 V.S.A. §2661(a). After the motion has been made to begin consideration of the next article, it is too late to seek reconsideration during the meeting.

27. Moderator may reject amendment if not germane. The moderator can only allow amendments to articles that are reasonably related to the article as warned. The purpose of the town meeting warning is to enable voters to know what issues are going to be decided. Because no decisions can be made on issues that were not warned, it would not be a valid act of the town to amend an article so that it is no longer relevant or germane to the original Article. See *Kaeser v. Town of Starksboro*, 116 Vt 251 (1950).

28. Clerk must disclose fees. Town Clerks are required to disclose to the public the total amount of fees received as part of his or her compensation for the preceding year within 30 days after the end of the town’s fiscal year. 24 V.S.A. §1179. The law does not state how the clerk shall disclose the fees, just that the fees must be disclosed to the public.

29. Town cannot vote to deny social service agency access to the town ballot unless it presents financial or other information. Vermont law gives social service agencies that serve a town the right to go before the voters of the town to request an appropriation. This means that if the town receives a petition signed by 5% of the voters asking for such an appropriation the selectboard must place the article on the ballot. Note that if the appropriation is voted on during a floor meeting, the voters could choose to deny the request unless the agency answers questions about its finances or services or organizational structure.

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.

This article appeared in the *Brattleboro Reformer* on January 24th, 2006. We thought it was a nice tribute to the ingenuity of a town faced with empty Selectboard seats. Thank you Mary Jane Grace for bringing it to our attention.

Let's Party

Tuesday, January 24, 2006

The smaller scale of town government in Vermont can be both a blessing and a curse.



The direct democracy of the Vermont town meeting and the town selectboard gives people more of an opportunity to make a difference in their communities.

At the same, that smaller scale also means more accountability to one's fellow residents. While the satisfaction usually ends up outweighing the aggravation, it's becoming more and more difficult to convince people to run for public office in many towns around Windham County.

How do you convince people who have the time and energy that serving on the selectboard, school board or any other town board is a rewarding thing to do? With a bit of inspired desperation, like we saw last week in Putney.

With less than two weeks before the Jan. 30 filing deadline, no one had taken out papers to run for the two open seats on the Putney Selectboard. Three other open seats on the town school board were also going begging.

So, out of sheer desperation, Putney held a "job fair" for town government on Thursday — a two-hour special information session for potential candidates.

Selectboard member Lyssa Papazian organized the hearing, which turned into what she called "a

democracy party." About 40 people showed up.

By the end of the evening, several people had taken out papers and had received enough signatures to get on the ballot for Town Meeting.

Towns shouldn't have to beg or send out invitations for people to serve, but sometimes you have to, and that's what makes the idea of a "democracy party" inspiring. We hope the idea catches on. Why not have every town throw their own democracy parties, so people can learn about its town governments and what it takes to serve?

There still is time for others to get on the ballot, but at least Papazian won't end up being the only member on the Putney Selectboard after March 7.

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January 24, 2006
www.reformer.com

Quote of the Month:

The will of the people
is the only legitimate
foundation of any
government, and to
protect its free
expression should be
our first object.

– Thomas Jefferson

Town Meeting Reminders For Local Officials

Getting Ready at the Polls

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

Town clerks must also deliver sufficient quantities of the ballots to the presiding officer. 17 V.S.A. § 26812 (*local elections*).

The presiding officer should assign specific duties to each election official, ensuring that the election officials work in pairs, with each pair containing members from different political parties if possible. 17 V.S.A. § 2562 & 2561 (*hours of voting*).



Opening/Closing Polls

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

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

Public Discussion and Politicking in the Polling Place

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

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

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

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

Maintaining Order at Town Meeting

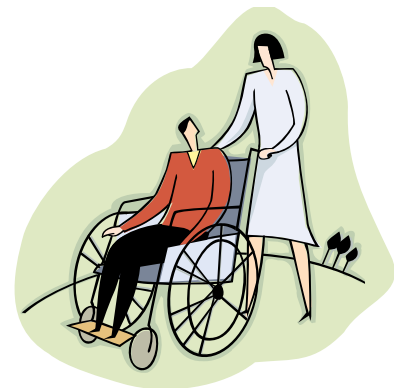
In traditional town meeting the moderator must follow reasonable and necessary procedures to ensure that people who are not voters of the town do not vote. 17 V.S.A. § 2656.

The moderator must preserve order in the conduct of business and debate. If a person, after notice, continues to be disorderly and refuses to withdraw from the meeting, the moderator may order him to be removed by the constable or some other person. 17 V.S.A § 2656 & 2659. A person who disturbs town meeting may be fined \$200 by the district court.

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

Accessibility of Town Meeting

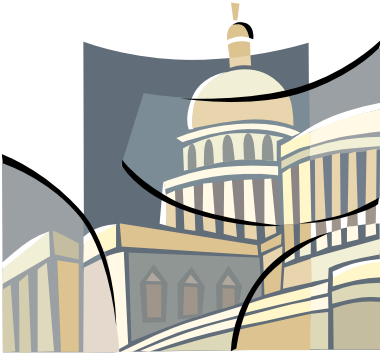
The legislative body must take reasonable measures to ensure that elderly or disabled voters may conveniently attend town meeting. Sign Language interpreters must be provided, if necessary. 17 V.S.A. § 2667 and the Americans with Disabilities Act. Town meeting must be held in an accessible location.



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

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

democracy: a political system in which the supreme power lies in a body of citizens who can elect people to represent them



Every year, Secretary of State Deb Markowitz honors Vermonters who have demonstrated an outstanding commitment to promoting the tenets of democracy. This year the recipients will be honored in a ceremony and reception on **Monday, February 13 at 3:30 pm** in the State House Cedar Creek Room. Former US Congressman Richard Mallary will be the featured speaker. The following Vermonters are being recognized for their contributions toward a stronger democracy:

National Association of Secretaries of State Medallion Awards

Vee Gordon, Vermont League of Women Voters
Senator William Doyle of Washington County
William Haines, Project Citizen

Vermont Secretary of State Enduring Democracy Awards

Robert Paolini, Vermont Bar Association
Benson Scotch, Former Executive Director, ACLU
Candace Page, *Burlington Free Press*

We invite you to join us as we celebrate the hard work and accomplishments of these outstanding Vermonters. If you can attend the democracy awards ceremony and reception, please RSVP to Janel Johnson, 828-1296 or jjohnson@sec.state.vt.us, by Thursday, February 9th. Thanks!

Town Meeting Materials Available!

The Secretary of State continues to manage and update the website for citizens and local officials on Vermont's Town Meeting Day. This website was designed to help citizens and local officials make the most out of town meeting and includes a **Citizen's Guide to Town Meeting**, a **Handbook for Vermont Moderators**, a **Voter's Guide to Town Meeting Procedure**, a guide to **Petitioning to Get Articles on the Ballot** and many other resources. You can view the website at: www.sec.state.vt.us/townmeeting

Also, please note that the publications **Citizen's Guide to Town Meeting**, and a **Handbook for Moderators** are also available in booklet form. Please contact Janel Johnson at 828-1296 or jjohnson@sec.state.vt.us if you would like to order these.

February 2006

- February 1:** Deadline for Tax Collector to turn over moneys collected and settle account with Treasurer. 24:1532
- February 1:** Last day for Listers to file corrected grand list for preceding year in order to render it valid. 32:4112
- February 1:** (*Wednesday after filing deadline*) 5:00 p.m. deadline for candidates to file written consent for the candidate's name to be on the ballot. 17:2681(a)
- February 1:** (*Wednesday after filing deadline*) 5:00 p.m. deadline for a person to withdraw after he or she has consented to be nominated. 17:2681(d)
- February 1:** (*Wednesday after filing deadline*) 5:00 p.m. deadline for candidates to file supplementary petitions if initial petition was not accepted. 17:2681(e)
- February 5:** (*Not less than 30 days before Town Meeting*) Last day for municipality to post warning and notice of Town Meeting. 17:2521(a), 2641(a), 2642
- February 5:** The most recent checklist of the town should also be posted at this time, wherever the warning and notice is posted. In towns that divide their checklist, that portion of the checklist that applies to the district should be posted. 17:2141, 2501, 2521(a)
- February 6:** Last day to hold first public hearing on charter amendments if article is to be voted at Town Meeting. 17:2645(a)(3)
- February 10:** (*25 days before Town Meeting*) Auditors must meet by this date to examine and adjust town finances. 24:1681
- February 10:** (*25 days before Town Meeting*) Town officers must settle accounts with Auditors to be eligible for re-election.
- February 10:** Last day for any municipality that has enacted special weight limits, which are other than State legal limits for highways and bridges, to file complete copy of the limitations with the Department of Motor Vehicles. 23:1400b(a)
- February 10:** Last day for Selectboard to file with Town Clerk annual statement of description and measurement of all Class 1, 2 and 3 town highways, then in existence, including special designations. 19:305(b)
- February 12:** Lincoln's Birthday. 1:371
- February 15:** (*In towns using Australian Ballot 20 days before election*) Under direction of the Town Clerk, ballots must be back from printer. 17:2681a(a)
- February 15:** **VLCT LOCAL GOVERNMENT DAY IN THE LEGISLATURE**
- February 20:** Washington's Birthday. 1:371
- February 21:** (*At least two weeks before Town Meeting*) Town Clerk must have liquor ballots printed if liquor issue is on Annual Meeting agenda and if town does not use Australian Ballot. 7:163
- February 25:** Last day for legislative body to post warning for public informational hearing on any public question to be voted by Australian Ballot at Town Meeting. 17:2680(g)
- February 25:** (*At least 10 days before Town Meeting*) Selectboard must mail or otherwise distribute Town Meeting warning in annual town report by this date to avoid publishing warning in newspaper. 17:2641(b)
- February 25:** (*At least 10 days before Annual Meeting*) Auditors' Report, or the findings of the public accountant employed in accordance with 17:2651b, must be distributed. 24:1682, 17:2651b
- February 25:** (*At least 10 days before municipal election*) Last day for Town Clerk to post sample ballots in the same places Clerk has previously posted copies of the warning, notice and checklist. 17:2522(a)
- February 25:** (*At least 10 days before the election*) Voting machines must be tested using official ballots that are clearly marked "test ballots." 17:2493(b)
- February 27:** (*10 days before the election*) Candidates for Town Meeting local election who are spending more than \$500 must file a campaign finance report with officer with whom nominating papers were filed. 17:2822, 2103(13)
- February 27:** Last day for Town Clerk to receive a request for an application for addition to the checklist simultaneously with a request for an early voter or absentee ballot. 17:2532(b),(c)
- February 27:** (*Second Monday before the election*) Town Clerk's office must be open from 10:00 a.m. or earlier until at least 12:00 noon for the purpose of receiving applications for addition to the checklist. 17:2144(a)
- February 27:** Last day (*up to 12:00 noon*) for people who are not eligible to register to vote by this date, but who will be by election day, to file a written notice of intent to apply with the Town Clerk. 17:2144(b),(c)
- February 27:** (*During the eight days immediately preceding election day and on election day*) In towns using Australian Ballot, Town Clerk must give each pair of Justices the exact number of ballots, envelopes, and list of ill or physically disabled voters to be visited. 17:2538(b),(c)

March 2006

- March 2:** (*At least five days before Town Meeting*) Last day for Town Clerk to forward to Board of Civil Authority a list of voters added. 17:2144b(d)
- March 2:** (*Five days before Town Meeting*) Treasurer must settle accounts with Auditors. 24:1578
- March 2:** Town Meeting Warning must be published in newspaper by this date if town report has not been distributed otherwise. 17:2641(b)

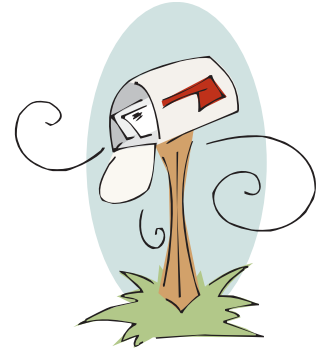
- March 4:** *(Not later than three days prior to election)* By this date Board of Civil Authority must designate pairs of Justices assuring political balance in each pair to deliver ballots to ill and disabled voters in towns using Australian Ballot. 17:2538(a)
- March 4, 5, 6:** *(On any of the three days immediately preceding the first Tuesday in March)* Towns that have voted to do so must hold the open meeting portion of their annual Town Meeting *(at a time set by the Selectboard)*. 17:2640(b),(c)
- March 6:** In towns using Australian Ballot, voters, or their family members, authorized persons, or health care providers, may request early or absentee ballots until 5:00 p.m. or the closing of the Town Clerk's office. 17:2531(a), 2532(a)
- March 6:** Board of Civil Authority must appoint a Presiding Officer if the Town Clerk or other regular Presiding Officer is unable to preside at the Australian Ballot portion of Town Meeting or if more than one polling place is used. 17:2452
- March 6:** Prior to the day of the election, Board of Civil Authority must appoint assistant election officers for Town Meeting. 17:2454
- March 6:** Town Clerk or other Presiding Officer must notify Election Officers of their hours and duties. 17:2455
- March 6:** Last day for legislative body to hold public informational hearing on any public question to be voted by Australian Ballot at Town Meeting. 17:2680(g)
- March 7:** **TOWN MEETING DAY** *(First Tuesday in March)*. 1:371, 17:2640(a)
- March 7:** *(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)
- March 7:** *(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
- March 7:** 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)
- March 7:** *(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
- March 7:** *(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
- March 7:** 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)
- March 7:** Moderator opens business meeting at the time established by legislative body *(unless town voted otherwise at a preceding meeting)*. 17:2655, 2657
- March 7:** 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)
- March 7:** In towns using Australian Ballot, Presiding Officer directs Election Officials in counting ballots. 17:2581, 2582
- March 7:** In towns using Australian Ballot, Presiding Officer must seal all ballots, entrance checklist(s) and tally sheets, and deliver to the Town Clerk. 17:2583(a), 2590(a), 2689
- March 7:** *(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.
- March 8:** *(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 12:** *(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 13:** *(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 14:** *(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 17:** *(Within 10 days after election)* Last day for a candidate requesting recount of an election voted by Australian Ballot to file a petition with the Town Clerk. 17:2683
- March 17:** *(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
- March 17:** *(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)
- March 17:** Last day for candidates for Town Meeting local election who are spending more than \$500 to file second campaign finance report with officer with whom nominating papers were filed. 17:2822
- March 22:** *(Within 15 days after an election)* Last day a voter contesting any Australian Ballot vote can file a 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)

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February 2006

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