



# Opinions

Office of the Vermont Secretary of State

Vol. 10, #1

January 2008

## 2008 Centennial Business Awards



See page 11 for details

## A Message from the Secretary



As a child I remember my parents and grandparents complaining about how quickly time passes. It was hard to relate to then, when a year or two felt like a lifetime. However; now that I am middle-aged I regularly think in years rather than in months or days. When I plan for things, I take the long view; I am happy to set things in motion that may take time to be completed.

That being said, in the coming year there are some things that just can't wait to get started. This is the year the legislature must act to begin the multi-year process to amend Vermont's Constitution to allow us to ensure that Vermont's democracy remains strong into the future.

You may not know it, but Vermont's constitution is one of the hardest to amend in the country. It is a process that can only be initiated every other biennium of the legislature, and then takes three to five years to complete. First, any proposal of amendment must pass by a 2/3 vote of the senate and majority vote of the house. If it succeeds, it must be taken up again and passed by a majority vote of both chambers during the next biennium (presumably so the intervening election will give voters the opportunity to instruct their legislators on whether to support the amendment). If it is approved by the legislature for the second time, the proposal is placed before the voters for ratification at the next general election.

This is the last year of the biennium in which proposals of amendment may first be considered. This means that if proposals of constitutional amendment are not passed this year we will have to wait two more years before the process can begin again.

There are three proposals of amendment we hope the legislature will act on this year. The most important is a proposed amendment to permit the voter's oath to be self-administered. There are many innovations in voter registration used across the country that Vermont cannot participate in because we are the only state to require every new voter to stand in person before a notary to take the voter's oath. With a self-administered oath (the new voter would read and then sign the oath) our clerks would not be burdened with having to reject mail-in ballots from those individuals who

(continued on page 7)

## Quote of the Month

Resolve to make at least one person happy every day, and then in ten years you may have made three thousand, six hundred and fifty persons happy, or brightened a small town by your contribution to the fund of general enjoyment.

*Sydney Smith*

## In this Issue

Quote of the Month.....	1
Voice From the Vault.....	2
Opinions of Opinions.....	4
Tip of the Month.....	7
Civics Behind the Scenes.....	8
Upcoming Events.....	8
Municipal Calendar.....	10

## Minute by Minute: An Archival Challenge

It started as a simple project. After the Archives law of 2003 gave us administrative control over the state's archival records, we created a database of all record series currently identified as archival. An online version of that database is available at: <http://vermont-archives.org/research/database/series.asp>.

We now are consolidating fragmented record series under single entries. For example there were multiple "series" for the minutes of a single board. What could be simpler than moving these fragments under a single board minutes series so they would be easier to locate? Little did we know.



The first fragment was for the board's minutes, contained in six volumes, from 1913-1959. In addition there was a "series" consisting of security microfilm of board minutes from 1959-1969, though there was no mention of a reference copy of the film. There were then a number of discrete "series," broken down by time periods, entitled "taping recordings" for board meetings from 1969-1972; 1970-1979; 1971-1977; 1971-1980; and 1972-1975. The tape recordings were designated as exempt public records, unavailable for public inspection. The cited reason was that some tapes might include recordings of executive sessions.

To further complicate things we located two additional series that were not designated as archival but which contained related material. One was a "series" consisting of a single microfilm roll containing "commissioner's inactive files;" the other was called "supporting material" for the board. A look at the container lists for each series revealed that both series held board minutes. The department within which the board operated has retained minutes from 2000 to the present, presumably some of which are in digital form. The department, however, was unclear about what older minutes it had, where, or how to access them.

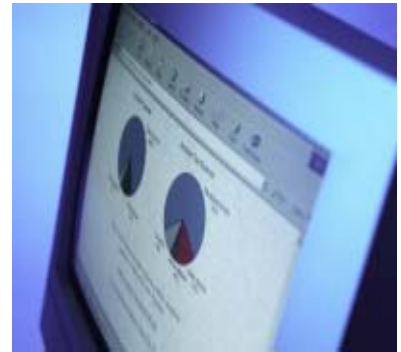
Our "simple" task was rapidly unraveling. Why did the tapes have overlapping dates? Why were executive sessions (exempt) captured on the same tapes as open meetings? Were there official minutes for those recorded sessions? Were the thirty-plus-year old tapes still viable and was there still equipment available for listening to them? Why were the series described so differently instead of being consistently identified as minutes? Indeed, why were so many distinct series created for the minutes of this one board?

I have not identified the board because its long term "record keeping" practices are not uncommon across government and because, no matter how idiosyncratic its recordkeeping, it managed to preserve 94 years worth of minutes. Finding and accessing the minutes is the challenge.

All of which leads us to the use of information technologies. All too often we focus on the *technology* not the *information*. Yet from my professional perspective effective IT systems must be based on effective recordkeeping systems. Unfortunately, Vermont has lagged behind professional record and information management practices, creating an uncertain foundation upon which to build effective IT systems.

The case of the board minutes provides numerous examples of issues that must be addressed in planning for record and information systems. To cite a few:

- Record types must be consistently identified and managed as a unit. In this case there should have been a single record series for board minutes. This in turn supports the need for controlled vocabularies so the series was clearly identified as board minutes and not variously described as “tape recordings,” “supporting material,” or “commissioner’s inactive files.” Inconsistent nomenclature would be a challenge to search engines.
- Record formats and media must be constantly managed. Just as analog tapes decay and market forces move away from audio tape technologies, digital records depend on being migrated across generations of hardware and software. Some of the tape records are over 30 years old and may be decaying, while reel to reel and cassette tape players are becoming more difficult to find. A digital format certainly would not survive thirty, or even five, years without a management plan.
- Changing formats present challenges for keeping related records associated. The board minutes are captured on paper, analog tape, microfilm, and digitally. In a digital world related records may be captured as text, e-mail (plus attachments), databases, etc; how are those relationships maintained over time so the records are known and accessible?
- What legal requirements need to be addressed, and how, in recordkeeping systems? How can exempt public records be readily identified and segregated in responding to a public records request? Recording open meetings and executive sessions together without a means of segregating them presents interesting problems in responding to a legal discovery request. So would the failure to associate digital records with any legal conditions governing access.



These are important considerations for paper and digital records. What brings them to the fore is government’s commitment to information technologies and pressures upon administrators to roll out IT systems as quickly as possible. The sustained planning needed in developing a digital environment is often seen as an impediment; we believe that somehow the technologies by themselves will automatically supply solutions. As last month’s column on data processing in 1957 demonstrated, however, the need for long term, sustained planning for information projects has been understood for decades.

To better understand the pressures to implement new systems consider that over the past seven years the state has spent over a hundred million dollars on IT. There are over 330 IT positions within state government. In contrast,

there are four records and archival management positions (three in the Archives and one in Public Records). That places a burden on the records program to convey management tools without being perceived as impediments as well. Such record and information tools must be developed and shared in an environment without a tradition of good recordkeeping.



Despite this imbalance we are making progress. As noted in previous columns, tools for managing records and information are being regularly added to the Archives’ “managing records” web pages at <http://vermont-archives.org/records/>. The voluntary collaboration among the Archives, Public Records, and the Department of Information and Innovation, known as iSTART, is

also developing tools that are made available through its newsletter at <http://vermont-archives.org/records/iSTART/newsletter/>. We are excited by the opportunities though success may take more than a few minutes.

1. **Selectboard drafts budget to propose to voters.** One of the selectboard's most important duties is to draft the budget of the town. This budget is included in the warning and is then voted at town meeting. In most towns the selectboard asks for input from the various departments. However, the ultimate decision about what to put before the voters for a vote is up to the selectboard.
2. **Clerk may petition for article to set compensation.** If the clerk is not satisfied with the compensation proposed by the selectboard (and assuming the clerk does not simply receive fees), the clerk may submit to the selectboard a petition signed by five percent of the voters that provides a salary and benefit package for the clerk to be voted on at town meeting. 32 V.S.A. § 1224.
3. **Budget committee requires public meeting.** A committee appointed by the selectboard to prepare a proposed budget for the board's review is a public body subject to the open meeting law. This means that the committee must publicly announce its meetings, keep minutes and give the public who attend reasonable opportunity to be heard. 1 V.S.A. §§ 310, 312.
4. **Budget committee may act without a quorum.** A budget committee appointed by a board may act without a quorum unless the board or municipal charter provides otherwise. Vermont's quorum rule 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." (Note that in some cases there may be a more specific provision for a board.) 1 V.S.A. § 172. Because the budget committee only provides a recommendation to the selectboard and exercises no "authority" the usual quorum requirement will not apply.
5. **Towns may vote a specific budget or vote a tax rate.** Vermont law gives the selectboard a choice when it formulates its budget for action at town meeting. 17 V.S.A. § 2664 provides that a town must "vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights." The law permits the board either to "express in its vote the specific amounts or the rate on a dollar of the grand list, to be appropriated for laying out and repairing highways and for other necessary town expenses." We recommend that towns vote the specific amount at town meeting rather than the rate on the dollar of the grand list because the grand list may change between the date of the vote and the date the selectboard must set the tax rate.
6. **Vote required to spend unexpected revenues.** The town's voted budget gives the town officers authority to spend town funds. No other spending authority exists in law. This means that the school or selectboard cannot spend grants, gifts or interest on investments without specific voter approval. Many towns include an article in the annual warning each year to give the selectboard the authority to spend "unanticipated funds such as grants and gifts".
7. **Fire department may petition for additional funds.** In one town the municipal fire department was not satisfied with the selectboard's budget. In their free time (not during work hours), the fire department employees and volunteers passed around a petition to be signed by five percent of the voters to ask for an additional appropriation. (If the budget was voted on the floor they could have simply moved to amend the budget.) The additional appropriation went before the voters, and was passed. In this town the board then gave the department the additional funds, but there is an argument that the selectboard would still have authority to withhold funds allocated to the department in the selectboard's budget as the budget is authority to spend – not a requirement to spend.
8. **Only social service agencies that serve the community may request special appropriations from the town.** The general rule is that a town may only spend taxpayer dollars for social service agencies that serve the community. According to 24 V.S.A. § 2691 a town or village may "appropriate such sums of money as it deems necessary for the support of social service programs and facilities within that town for its residents." Note that, despite the statutory language, the Vermont Supreme Court has held that social service agencies physically located outside the municipality may be considered to be social programs within the village or town if the agency serves the residents of the municipality. *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989) (This case also extended § 2691 to cities.)



- 9. Social service agency does not have to petition if selectboard agrees to place the request on the warning.** An organization's request for a town appropriation can be placed on the ballot in one of two ways. An agency can bring a petition, signed by five percent of the voters, to the selectboard by the 40<sup>th</sup> day before the date of the meeting. 17 V.S.A. § 2642(b). In the alternative, the selectboard may, on its own motion, include in the warning appropriations for non-profits that serve the town. Some selectboards have an established policy about when it will include an appropriation request on the warning without petition. A typical policy is to automatically place on the warning the previous year's appropriations. In these towns, any non-profit that had not previously been given funds by the town, or an organization that wishes an increase in funding must still petition the town to get on the ballot.
- 10. Auditors must be given access to records.** Town auditors must meet at least 25 days before each annual town meeting, examine and adjust the accounts of all town and town school district officers and all other persons authorized by law to draw orders on the town treasurer. 24 V.S.A. § 1681. However, many auditors begin their work in early January. The law provides that at any time in their discretion, town auditors may, and if requested by the selectboard, must, examine and adjust the accounts of any town officer authorized by law to receive money belonging to the town. Any town officer who willfully refuses or neglects to submit his or her books, accounts, vouchers or tax bills to the auditors or the public accountant upon request, will be ineligible for reelection and will be subject to possible fines or penalties. 24 V.S.A. § 1686.
- 11. Auditor meetings must be noticed as public meetings.** Meetings of town auditors must be announced to the public as a special meeting of the board in accordance with the requirements of the open meeting law. 1 V.S.A. § 312. Town auditors may perform merely clerical functions outside of an open meeting (i.e. checking accounts, reviewing books, etc.) but best practice is to notice a public meeting of the board whenever a quorum of the board meet to perform auditing functions.
- 12. Town may hire accountant in lieu of elected auditor.** Municipalities may vote to eliminate the office of auditor. In such a case the town must hire a public accountant to perform the duties of the town auditors. 24 V.S.A. § 1690.
- 13. Selectboard may choose to plow some class four roads.** While the law requires a town to "keep its class one, two, and three highways and bridges in good and sufficient repair during all seasons of the year," class four highways may be "maintained to the extent required by the necessity of the town, the public good and the convenience of the inhabitants of the town." 19 V.S.A. § 310. There are some good public policy reasons to decide to limit plowing of class four roads. Selectboards can decide to plow some class four roads but not others if the public necessity so demands. We recommend that selectboards adopt a policy that describes the situations in which it will plow a class four road. A clearly enunciated policy will enable the residents who live on these roads to know what to expect and to know they are being treated equally.
- 14. Selectboard not bound by policy of previous board.** The selectboard may reconsider its road policy or other policies whenever it feels it is necessary. A board is not bound by a previous policy and may change it to reflect what the board believes is the best interest of the community. A person who lives on a class four road has no right to continued plowing even if the road has been plowed in the past.
- 15. Town should not plow private roads.** The recommendation that towns not get in the habit of plowing private roads comes from the rule found in our constitution that public resources may not be used for private benefit. While it is tempting to plow private roads as a courtesy for residents, it is important for towns to make a consistent policy so that all residents are treated equally (remember property on a private road is listed at a lower value than those on the public highway – so they are paying less property taxes because they are not receiving the benefit of road maintenance at town expense.) Also note that a town that maintains private roads over a period of time may be deemed to have acquired the road through "dedication and acceptance."
- 16. Resident may not put up fence in right of way.** In one town a resident was unhappy that the school bus used her road as a turn-around so she constructed a fence in the highway right of way that would prevent the bus from turning around. 19 V.S.A. § 1111 makes it unlawful to construct a fence in the highway right of way. However, the fence may be placed on the landowner's property – outside of the right of way – even if it prevents the tail end of the bus from making the turn around.
- 17. The selectboard may construct snow fence to prevent obstruction of highway.** When the selectboard determines that a town road may become obstructed by snowdrifts unless a snow fence is erected on land adjoining the highway, it may give the landowner notice and hold a hearing for the owner to discuss the matter, and then the town can go onto the private property to build and maintain the fence for the winter months. 19 V.S.A. § 927. Note that the selectboard may also require a landowner to remove a fence for the winter if it can be done easily, in order to prevent the town highway from being obstructed by snowdrifts as a result of the placement of the fence. 19 V.S.A. § 925. In both cases the board must follow statutory procedures found in 19 V.S.A. § 923 of this title for giving the landowner and others notice, inspecting property, determining need, awarding damages and satisfying appeals.

**18. Snowmobiles may only cross plowed roads in unobstructed locations.** Vermont's motor vehicle law provides that a snowmobile may not be operated across or on a plowed public highway unless "the crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing; and the operator brings the snowmobile to a complete stop before entering the traveled portion of the highway; and the operator yields the right of way to motor vehicles and pedestrians using the highway." Note that in order to cross a public road the snowmobile operator must be 16 years of age or older. Or if over the age of 12, but under the age of 16, the operator must be under the direct supervision of a person 18 years of age or older. 23 V.S.A. § 3206.



**19. Snowmobiles may use unplowed public highways.** 23 V.S.A. § 3206 provides that a snowmobile may run on unplowed highways if the town road has been opened to snowmobile travel by the selectboard, and the road is so posted by the town. Snowmobiles may also use the unplowed portion of the highway right of way so long as the operator is not closer than five feet from the plowed portion. The selectboard should adopt a clear winter use policy so that all landowners and snowmobile users know what roads may be used in the winter.

**20. Town may permit landowner to pent a road.** One landowner was unhappy because snowmobilers used the class four road in front of his house at all hours of the day and night, despite the fact that it was a privately maintained class four road that the board had not opened to snowmobiles. 23 V.S.A. § 3206. The board may grant the landowner written permission to put up an unlocked gate across the road to deter recreational use of the road. 19 V.S.A. § 301. (Pent roads were originally created to keep in farm animals where a landowner owned both sides of the road and let the animals graze freely.)

**21. Couple cannot keep marriage out of the public record.** In one town a couple wished to get married but asked the clerk not to include their names in the public record as they did not want family members to know of their marriage. State law makes the marriage records public records. However, the clerk might agree to keep their names out of the town report. 18 V.S.A. §§ 5012, 5013. (Note that if both members of the couple live in the same town that will be the only town in which they can register their marriage. However, nothing would stop the couple from leaving the state to elope.)

**22. Library may keep custody of videos of board meetings.** No law would prevent the local library from collecting videos of board meetings and then checking them out to interested residents. So long as the legal record of the meetings – the minutes – were kept by the clerk and made available to the public on request, there is no reason that videotapes of the meeting could not be kept elsewhere.

**23. Nominating petitions must include office and term length.** In municipalities using the Australian ballot system for election of officers, Vermont law requires that candidates clearly indicate the office and term length on the petition prior to circulating it for signatures. 17 V.S.A. §2681(b). For example, a candidate cannot circulate a petition for selectboard without indicating which term he or she is seeking. It is permissible for a person to circulate two or three different petitions for selectboard, one petition for the one year seat, one for the remaining year of a three year term, and one for the three year term, and then wait until the filing deadline to decide which petition to submit to the town clerk. However, a candidate cannot circulate a petition for signatures without a term length and then add or change the term length after signatures have been obtained.

**24. Clerk and treasurer positions must be nominated and voted as separate positions.** Even if a person is currently serving as town clerk and town treasurer, these are two separate offices. If your town elects officers by Australian ballot, a separate petition and separate consent form must be submitted for each office and the ballot must have separate articles for each office. There cannot be only one race for town clerk-treasurer on a petition, consent form, or on the ballot.

**25. It is permissible for the same person to be elected to serve as town clerk and also as village clerk. Likewise a person can serve as town treasurer and also as village treasurer.** There is no statutory conflict and in many situations each municipality benefits from the knowledge and experience of the candidate who has already served in one of the positions. The person must be elected or appointed (if charter so provides) to each office separately.

**26. The entrance checklist for the presidential primary on March 4, 2008, must record an R for Republican or D for Democrat to indicate the ballot of the major party chosen by each participating voter.** 17 V.S.A. §2704. This is the only election in which the entrance checklist will be marked to indicate the voter's choice of ballot. This provision is included in the law for the presidential preference primary only.

*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.*

(continued from page 1)

have not had the oath administered. Vermonters who are out of state for college, military service, or work would be able to register and vote by mail; it would permit us to explore the possibility of offering automatic voter registration to people when they get driver's licenses or non-driver identification cards; it would also allow us to send birthday cards to Vermonters when they turn 18 with a voter registration form. The proposed amendment would still preserve the option for the voter to have the oath administered by an official, but would make it easier for many Vermonters to register and vote.

The second proposal of amendment would be to change the way our governor, lieutenant governor and treasurer are elected. Right now if there is no majority winner in any of these positions, the election for that office is held by the legislature. Indeed, there have been 22 times in Vermont's history when there was no majority winner and the legislature chose who would serve as governor. While the legislature has generally elected the person who received the most votes, it is not required to do so.

The proposal would treat the governor, lieutenant governor and the treasurer the same way that it treats the rest of the statewide officials. In those races, current law provides that the person who receives the most votes for the office is elected.

Finally, there is a proposal of amendment to increase to four years the terms of office for the governor and other statewide officials. Whether or not you believe this is the right thing to do for Vermont, it is important to have this conversation now. The costs of elections are rising so now candidates for governor regularly spend as much as a million dollars. And it is hard to have a meaningful impact on state policy in just two years. What complicates this issue is how it might change the balance of power between the legislative branch and the governor.

It is good that we make it difficult to amend our constitution. It ensures that changes to our foundational document are well thought out and can withstand scrutiny over a period of years. It reminds us that when we think about proposals to amend Vermont's constitution we must take the long view. We must think about what our failure to act today will mean for Vermont five years from now and into the future.

For more information about Vermont's constitutional amendment process and its history, and for the history of majority election in Vermont visit <http://vermont-archives.org/govhistory/governance/index.htm>.



Deborah L. Markowitz, Secretary of State



## Tip of the Month

This tip originally came from Alison Kaiser, Stowe Town Clerk, in 2006, but we decided to recycle it for the upcoming election season!

**Try something new to increase voter awareness in your town. Try hanging a banner over your main street that contains the date of the election and the location of the polling place. In addition, decorate your polling place with festive bunting and balloons to draw further attention.**

*If you have a tip you would like to share, please contact John Cushing, VMCTA President, at [jcushing@town.milton.vt.us](mailto:jcushing@town.milton.vt.us)*

# Civics Behind the Scenes

Missy Shea, Civics Education & Voter Outreach

## Civics Education-Community Service Learning: Overlapping Lessons

In my last Opinions article, I wrote about *service learning*, hoping to encourage municipalities to explore ways they might partner with local schools to make a positive difference in their community. No sooner had the newsletter gone out when the phone in my office rang. It was just what I'd hoped for.

**"Kids need a good civics education program when they are young if we expect them to participate as citizens when they become adults."**

**Colleen Haag**

Colleen Haag, Town Clerk and Treasurer for Shelburne, wanted me to know about a program her office participates in with the Shelburne Community School. Five or so years ago, Principal John Bossange was new to his position at SCS. He came into his educational leadership role excited about hands-on learning. As a reflection of the school's civic mission, he wanted to engage the

older students in some community service projects. So he called Colleen at the town office, and made his pitch. She liked the idea.

"Kids need a good civics education program when they are young if we expect them to participate as citizens when they become adults. Sure, it takes a little time, but I see it as part of my responsibilities as a town official. Plus, these kids really help," says Haag.

Service is now a requirement for eighth grade students at Shelburne Community School. In addition to the town clerk's office, opportunities exist at other community institutions like the Shelburne Museum and Craft School, Shelburne News, The Arbors, Morgan Horse Farm Assoc., Shelburne Athletic Club, and even helping out in the classrooms of younger students. Colleen has three students Thursday mornings, and two on Fridays. The kids spend about an hour and a half one morning a week at their work, putting labels and stamps on envelopes, helping organize absentee ballots, assisting in elections preparation, or getting involved in their own special interests. One boy was curious about the renovation of the historic Shelburne Inn, so Colleen had him research and scan land records. And each year, the students produce a project of posters, to be displayed for town meeting, bringing the idea of community service and participation full circle.

I applaud Colleen Haag, John Bossange, and all the other good folks out there who take the time not only to think about our future, but to help shape it. As Colleen succinctly puts it, "It's our job to mentor the next generation, so they understand their civic responsibility."

# Upcoming Events

## Municipal Roundtable: Managing Conflicts of Interest *Vermont League of Cities and Towns*

**Start Date:** Wednesday, January 16  
**Start Time:** TBA  
**Place:** VLCT Offices in Montpelier, VT  
**Summary:** Managing Conflicts of Interest.  
**Cost:** TBA  
**Contact for More Information:**  
**Name:** Jessica Hill  
**Phone:** 802-229-9111  
**Email:** [jhill@vlct.org](mailto:jhill@vlct.org)  
**Web:** [www.vlct.org](http://www.vlct.org)

## Municipal Grants Symposium *Vermont League of Cities and Towns*

**Start Date:** Thursday, January 17  
**Start Time:** TBA  
**Place:** Elks Club in Montpelier, VT  
**Summary:** This workshop will bring together numerous state, federal and private grant making sources for a discussion of their unique programs and guidance on how to submit applications.  
**Cost:** TBA  
**Contact for More Information:**  
**Name:** Jessica Hill  
**Phone:** 802-229-9111  
**Email:** [jhill@vlct.org](mailto:jhill@vlct.org)  
**Web:** [www.vlct.org](http://www.vlct.org)

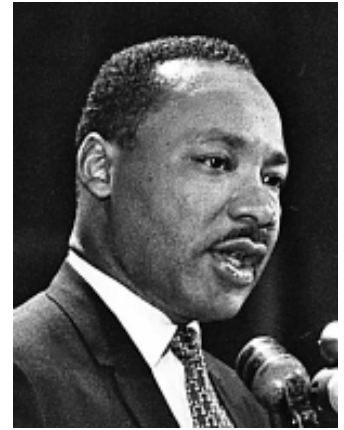
## Income Approach Course - IAAO Course #102 *Vermont Assessors and Listers Association*

**Start Date:** February 25-29, 2008  
**Start Time:** TBA  
**Place:** Waterbury, VT  
**Instructor:** Bob Estey of IAAO  
**Cost:** Scholarships may be available  
**Contact for More Information:**  
**Name:** Louise Ferris-Burt  
**Phone:** 802-234-5121  
**Email:** [bethel@tax.state.vt.us](mailto:bethel@tax.state.vt.us)  
**Web:** [www.vtala.org](http://www.vtala.org)

# Municipal Calendar

## January 2008

- 1 New Year's Day. 1:371
- 4 (*60 days before town meeting*) Last day to warn the first public hearing if a charter adoption, amendment or repeal is to be voted at town meeting. 17:2641(a), 2645(a)(3) and (6).
- 9 (*First Wednesday after the first Monday of January, or a date determined by the 2007 Legislature*) Legislature reconvenes – second year of biennium. Vermont Constitution. Ch II, §7
- 15 Last day for tax collector to deliver unpaid real and personal property tax lists to town treasurer. 32:5162
- 15 Last day for town clerk to remit to state treasurer an accounting of dog and wolf-hybrid licenses sold and remit the license fee surcharge for an animal and rabies control program. 20:3581(f)
- 21 Presidential primary petitions and consent forms for major party candidates who wish to be on the ballot for a major party primary shall be filed not later than 5:00 p.m. on the third Monday of January, signed by at least 1,000 registered Vermont voters, with the secretary of state. The petitions must be accompanied by a \$2,000.00 filing fee and a consent of candidate to the printing of his or her name on the ballot. If the petition is accompanied by an affidavit of the candidate that the candidate and the candidate's campaign committee are without sufficient funds to pay the filing fee, the secretary of state shall waive all but \$300.00 of the payment. 17:2702, 2353, 2354, 2358.
- 21 Martin Luther King, Jr.'s Birthday. 1:371
- 24 Petitions for the presidential primary which are found not to conform to the provisions of 17:2353, 2354 and 2358 will be returned to the candidate within 72 hours after their receipt, with an explanation of why they cannot be accepted. Supplemental petitions may be filed not later than ten days after the date for filing petitions only if original petitions have at least the total number of signatures required. 17:2703, 2358
- 24 (*Not less than 40 days before town meeting*) Last day to file petitions signed by at least five percent of voters with town clerk for articles to be included in town meeting warnings. 17:2642(a)
- 24 (*40 days before town meeting*) First day town clerks may post warnings for the presidential primary and town meeting, post the warning and notice in two public places and in or near the town clerk's office. 17:2641(a), 2642
- 24 (*40 days before town meeting*) Last day for board of civil authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501(a)
- 24 (*10 days before first public hearing*) Official copy of proposed charter amendments must be filed in town clerk's office if vote is to be taken on Town Meeting Day. 17:2645(a)(2)
- 25 State Withholding Tax Return is due (*actual date by which return must be postmarked is shown on the printed form*) if reporting less than \$2,500 per quarter. More than \$2,500 requires monthly report; more than \$9,000 requires semi-weekly report. 32:5842
- 28 In Australian ballot towns, nominating petitions for town offices must be filed with the clerk of the municipality no later than 5:00 p.m. (sixth Monday before the election). A nominating petition must be signed by 30 voters or one percent of the legal voters, whichever is less. 17:2681(a) and (b)
- 29 Town clerks receive at least five copies of the presidential primary 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. 17:2521(b)
- 29 By 5:00 p.m. on this date, supplementary petitions originally rejected by the secretary of state must be filed with the office to qualify for the presidential primary. The petitions will be subject to review in the same manner as the original submissions. 17:2358
- 29 Last day for auditors to post 10 days' notice of their meeting to examine town accounts. 24:1681
- 29 (*Within 24 hours of receipt*) Town clerk must return nominating petitions found not to conform, stating in writing the reasons why they cannot be accepted. 17:2681(e)



- 30     *(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)
- 30     In Australian ballot towns, candidates for municipal office must file a consent of candidate form with the municipal clerk by 5:00 p.m. (Wednesday after the filing deadline). 17 :2681(a)
- 30     *(Wednesday after filing deadline)* 5:00 p.m. deadline for candidates to file supplementary petitions if initial petition was not accepted. 17:2681(e)
- 30     Last day for town clerk in municipality with fiscal year ending December 31 to publicly disclose fees kept as compensation for that fiscal year. 24:1179
- 30     Last day for U.S. Congressional candidates to file FEC non-election year year-end report (July 1-Dec. 31). 2 U.S.C. § 434(a)(2)
- 31     Last day to mail W-2 Withholding Forms to employees.
- 31     Last day to file Form 941 (*Quarterly Withholding Return*) with the IRS.

## **February 2008**

- 1     Deadline for tax collector to turn over moneys collected and settle account with treasurer. 24:1532
- 1     Last day for listers to file corrected grand list for preceding year in order to render it valid. 32:4112
- 2     The most recent checklist of the town should 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)
- 3     *(Not less than 30 days before town meeting)* Last day for municipality to post warning and notice of town meeting and the presidential primary. 17:2521(a), 2641(a), 2642
- 3     Last day to hold first public hearing on charter amendments if article is to be voted at town meeting. (First public hearing shall be at least 30 days before the meeting) 17:2103(13), 2645(a)(3)
- 3     *(No sooner than 30 days before polls open)* First day for town clerk in towns with at least 5,000 registered voters to direct two election officials to open the outside envelope, sort, and check absentee ballots. 17:2546(a)
- 3     Checklist must be posted in two or more public places in towns with population over 5,000. In towns with less than 5,000 population, the checklist must only be posted in one place in addition to the clerk's office. 17:2141, 2521(a)
- 4     Town clerks will receive presidential primary ballots by this date (not later than 30 days before the election). Clerks should store the ballots, except those used for sample ballots and absentees, in a secure location until the date of the election. 17:2479, 2103(13)
- 8     *(25 days before town meeting)* Auditors must meet by this date to examine and adjust town finances. 24:1681
- 8     *(25 days before town meeting)* Town officers must settle accounts with auditors to be eligible for re-election. 24:992
- 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)
- 10    Last day for the legislative body to file with town clerk annual statement of description and measurement of all Class 1, 2, 3 and 4 town highways and trails then in existence, including special designations. 19:305(b)
- 12    Lincoln's Birthday. 1:371
- 13    Last day to post sample ballots (for the presidential primary) in the same places as the warning, notice, and checklist (not later than 20 days prior to town meeting). 17:2522(a)
- 13    First day for legislative body to post warning for public informational hearing (to be held on or after 2/23/08) on any public question to be voted by Australian ballot at town meeting. 17:2680(g)
- 13    *(In towns using Australian ballot 20 days before election)* Under direction of the town clerk, ballots must be back from printer. 17:2681a(a)
- 18    Washington's Birthday. 1:371
- 19    *(At least two weeks before town meeting)* Town clerk must have liquor ballots printed if liquor issue is on town meeting agenda and if town does not use Australian ballot. 7:163

- 23 Last day for legislative body to post warning for public informational hearing (to be held on or before 3/3/08) on any public question to be voted by Australian ballot at town meeting. 17:2680(g)
- 23 *(At least 10 days before town meeting)* Legislative body must mail or otherwise distribute town meeting warning in annual town report by this date to avoid publishing warning in newspaper. 17:2641(b)
- 23 *(At least 10 days before town meeting)* Auditors' report, or the findings of the public accountant employed in accordance with 17:2651b, must be distributed. 24:1682, 17:2651b
- 23 *(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)
- 23 *(At least 10 days before the election)* Voting machines must be tested using official ballots that are clearly marked "test ballots." 17:2493(b)
- 25 *(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)
- 25 During the eight days preceding election day, and on election day, the clerk shall divide the list of ill and physically disabled early or absentee 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. 17:2538(b),(c)
- 27 Last day (by 5:00 p.m.) 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)
- 27 *(Wednesday before the election)* Town clerk's office must be open from 3:00 p.m. (or earlier) until at least 5:00 p.m. for the purpose of receiving applications for addition to the checklist. 17:2144(a)
- 27 Last day *(up to 5:00 p.m.)* 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)
- 28 *(Five days before town meeting)* Treasurer must settle accounts with auditors. 24:1578
- 28 *(At least five days before town meeting)* Last day for town clerk to forward to the board of civil authority a list of voters added to the checklist. 17:2144b(d)
- 28 *(Five days before town meeting)* Town meeting warning must be published in newspaper by this date if town report has not been distributed otherwise. 17:2641(b)

***The Municipal Calendar is provided by the Vermont League of Cities and Towns/Chittenden Bank and the Secretary of State's Office.***



## **Is Your Business A Century Old?**

**If yes, then the Secretary of State is looking for you!**

The Vermont Centennial Business Awards is a joint project of the Office of the Secretary of State, the Vermont Chamber of Commerce, and Vermont Business Magazine. Any business that has operated in Vermont continuously for 100 years or more is eligible to participate.

The Vermont Centennial Business Award acknowledges Vermont's oldest businesses for enriching our economic heritage. We also hope that this program will deepen our understanding of how Vermont's businesses have enhanced our community life during the last hundred years.

In March we will be presenting awards to the Vermont businesses that will reach their centennial in 2008, as well as honoring up to 20 of Vermont's older businesses. Over the next few years all of Vermont's centennial businesses will be recognized at an awards ceremony. Every centennial business that applies to participate will be recognized.

If you know of a business that qualifies for the Centennial Business Award, contact Ginny Colbert at 802-828-2148 for an application, or visit our website at [www.sec.state.vt.us](http://www.sec.state.vt.us). The application deadline is **January 11, 2008**.

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January 2008

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