

Opinions

Office of the Vermont Secretary of State



Vol. 6, #1

January 2004



A Message from the Secretary

The New Year is a time to reflect on the challenges and accomplishments of the past year and to plan for the future.

This year at the Secretary of State's office we tackled many new challenges. We continued to serve you at the level you have come to

expect despite budget cuts that required significant planning and reorganization in the office. The Federal Help America Vote Act involves many new mandates for our office. We responded by publishing a state implementation plan, by working with the legislature to pass the required changes to Vermont's election law, and by beginning to develop the statewide voter checklist. And, during the past six months our office has responded to intense national interest in former Governor Howard Dean's records. The steady and demanding stream of researchers has required constant attention from our staff.

We expect to continue to be busy in the coming year. The Presidential Primary and General Election will be taking much of our energy, (in addition to the likely continued interest in the Dean archives.) We will be training election officials in the requirements of the new election law, and we will be piloting the new statewide voter checklist in a few communities. Our Elections website will be modified to make it even more user friendly for voters, candidates and elections administrators. This month we will also be bringing on board Janel Johnson who will be running our promote-the-vote programs which will include Honor a Vet With Your Vote, Kids Voting, as well as some new initiatives aimed at young voters and disabled Vermonters.

January is not only a time for reflection and resolution, it is also a time to count our blessings. In my life there is a great deal to give thanks for. I have a loving husband (this is our 20+ year together!) and three beautiful children who are happy and healthy. And, of course, none of this office's accomplishments would have been possible without the support of our capable and dedicated staff, and without the suggestions and encouragement we received from our advisory boards, task forces and from those of you who regularly use our services.

Thank you! I look forward to continuing to work with you in the coming year.

Deborah L. Markowitz, Secretary of State

In This Issue...

Thoughts from the Archivist.....	pg. 2
VLCT's Upcoming Events.....	pg. 3
Opinions of Opinions.....	pg. 4
Tip of the Month.....	pg. 7
Guest Article by Spencer Potter.....	pg. 8
Guideline for Social Service Agency Petitions	pg. 9
Month's Calendar.....	pg. 10

Voice from the Vault

By Gregory Sanford, State Archivist

A Record Year

Twas the night before Christmas and all through the house, photocopiers were running as candidates joust. As I write this on Christmas Eve we have, in the last two days, retrieved, copied, and re-filed over 6,000 records for research related to Howard Dean's presidential candidacy.

It is, perhaps, a fitting way to end a year in which public records have had such a prominent role in our public dialogues. In recent columns I have discussed some of the record issues that gained attention in 2003. Now, on my desk, is a final draft report of the Study Committee on Standards for Municipal Land Records. The report notes that through November, real estate sales generated \$26,633,225 in state property transfer taxes. It references a twenty-two town study by Milton Town Clerk John Cushing that found 161 volumes of land records were created (averaging 645 pages per volume) in the final five months of 2002. The average volume contained \$4,700,000 in mortgage financings and \$2,500,000 in property sales.



Acknowledging that none of these property transfers could occur without good municipal recordkeeping, the report also notes the pressures this incredible volume of recording has had on municipal records and those who use them. This volume of economic and recordkeeping activities help drive increasing demands for technological approaches to the recording and accessibility of municipal records.

The study committee's recommendations call for a more structured way to prioritize and address recordkeeping, as well as resources more commensurate to the value of economic activity supported by that recordkeeping.



The report's recommendations, combined with continuing issues of privacy, electronic recordkeeping, etc promise to bring further attention to public records in 2004. It should be an exciting year and I look forward to working with all of you.



Mark Your Calendar with the Vermont League of Cities and Towns' Upcoming Events!

More information can be found at www.vlct.org, email us at info@vlct.org or
call 800/649-7915 or 802/229-9111.

January 2004

Thursday, January 15th: Wind Power and Municipalities

Suzanna's Restaurant, Berlin

Wind tower proposals pose many issues for municipalities, among them, how to participate in Public Service Board proceedings, regulating off-grid vs. on-grid generators, and amending town plans to address wind generation. This workshop will answer these and other questions.

Thursday, January 29th: Municipal Lands Management

Hulbert Outdoor Center, Fairlee

This workshop will focus on the legal, insurance, and management issues involved with town forests, parks, and natural areas.

February 2004

Thursday, February 5th: Moderators' Town Meeting Tune-up

Suzanna's Restaurant, Berlin

A parliamentarian's paradise, this annual workshop is designed for seasoned and new town moderators and will focus on the statutory requirements of town meeting, Robert's Rules, and best practices for making it through unscathed.

Wednesday, February 11th: Local Government Day

Capitol Plaza Hotel, Montpelier

A special day at the Vermont State House for local officials to hear about the status of pending legislation from VLCT and VMCTA representatives, attend legislative hearings, and speak with their representatives in the Vermont Legislature.

Thursday, February 19th: Making Grants Work for Your Municipality

Capitol Plaza Hotel, Montpelier

This workshop will bring together multiple private and public grant funders for municipal projects ranging from downtown revitalization to public works.



Opinions of *Opinions*

1. **Most Election Filing Deadlines That Fall On Weekend or Holiday Are Extended to Next Day.**

Vermont's election laws provide that if a date for filing a petition, consent forms, or other document falls on a Saturday, Sunday or legal holiday, then the deadline is extended to 5 p.m. on the next day that is not a Saturday, Sunday or legal holiday. We have had a number of calls regarding petitions for reconsideration or other petition filing deadlines. This is the rule for any filings that are covered by Title 17, and you must accept a petition on the next day. 17 V.S.A. § 2103(13).

2. **Clerk Offices Must Be Open Prior To Union School District Elections.**

Town clerks whose towns are members of a Union School District must be open for voter registration until noon on the second Monday before the Union School District elections, and then must provide an authenticated copy of the checklist as updated to the Clerk of the Union School District. 16 V.S.A. § 706u. provides the particulars regarding the checklist for union district meetings. This section incorporates by reference the provisions of Title 17 that require the town clerk to have office hours until Noon on the second Monday before each election to allow residents to register to vote.



3. **Petitions Don't Need Special Language.** There is no special language that is required for citizens to petition the Selectboard or School Board to place articles on the warning for town meeting. 17 V.S.A. § 2642 states that if 5% of the voters of the municipality file a petition with the town clerk then the warning must include the article. Vermont Supreme Court cases tell us that an inclusion of a petitioned article is not mandatory if the article is frivolous, illegal, or pertaining to a matter which is not within the authority of the electorate of the town to decide. For wording, we generally suggest:

We the undersigned legal voters of the town of ANYWHERE, Vermont, hereby petition the Selectboard to include the following article on the warning for the annual town meeting on March 2, 2004:

Article 1. Shall the voters of the Town of ANYWHERE vote to...include here the subject matter of the petition., i.e., Aincrease the membership on the Selectboard from three to five members with the two new members each to serve a two year term.

- ## 4. **Selectboard Should Avoid Duplication On Warning.** The Selectboard should exercise its discretion in preparing articles for the warning in order to avoid the confusion that occurs when two articles (one petitioned and one from the Selectboard,) cover the same topic. This will help prevent the unfortunate results of two contradictory articles passing.
- ## 5. **Abatement Decisions Are Subject To Limited Appeal.** Title 24 does not give property owners a specific right to appeal from a decision by the Board of Abatement. This means that if a taxpayer believes a Board of Abatement improperly denied a request, the court will likely permit the taxpayer to bring an appeal under

Rule 74 or Rule 75 of the Rules of Civil Procedure. However, on appeal the court will give the board the benefit of the doubt and will only review the proceedings below for abuse of discretion.

- 6. Clerk Establishes Her Own Office Hours.** Unless a town charter provides otherwise, elected town clerks establish the hours for the town clerk's office. 24 V.S.A. §1165. The Vermont Statutes require that the files and records of the clerk must be available for inspection on request at reasonable hours. Generally in Vermont, elected town clerks have a good sense of the public and set their hours to be responsive to those needs. The selectboard is not empowered to dictate the hours the town clerk's office must be open. *Bennington v. Booth*, 101 Vt. 24, 29 (1928).



- 7. Selectboard Appoints To Fill Prudential Vacancy.** When a vacancy occurs on a Fire District Prudential Committee, the selectboard in the town in which the district is located may appoint to fill the vacancy until the next annual meeting, or until 5% of the legal voters petition for a special election. 20 V.S.A. §2485. If vacancies occur in other fire district offices, the Prudential Committee appoints to fill the vacancy until the next election.
- 8. Budget Committee or Finance 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 and post its meetings at least 24 hours in advance, keep minutes and give the public who attend reasonable opportunity to be heard. 1 V.S.A. §§ 310, 312.
- 9. Budget Committee or Finance 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 requires that "when joint authority is given to three or more, the concurrence of a majority of such number shall be sufficient and shall be required in its exercise." 1 V.S.A. § 172. Because the budget committee provides only a recommendation to the selectboard, this quorum requirement does not apply.
- 10. A Vote is required to spend surplus or money left over in the highway or general fund in the next fiscal year.** The selectboard does not have any authority to spend money left over from the FY 2004 budget in the next fiscal year unless an article is submitted and approved by the voters. If you can anticipate a surplus because you will not be completing a project this year, you can include an article on the annual meeting warning in March.
- 11. Town Can Create A Designated Reserve Fund To Carry Funds Forward.** At an annual or special meeting, a municipality may establish a reserve fund to be under the control and direction of the legislative body. The reserve fund must be kept in a separate account. The funds in the account can be expended for the purposes for which the fund was established, or as specially authorized by vote at an annual or special meeting. 24 V.S.A. § 2804.



- 12. 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 that gives the board the authority to spend "unanticipated funds such as grants and gifts."

13. Hunting Club May Not Seek Municipal Appropriation. Public money may not be used to support private groups, such as a hunting club. Money may be appropriated for certain social service agencies listed in state law. These include, (but are not limited to) services for/involving transportation, day care, nutrition, senior citizens, etc. . . . 24 V.S.A. § 2691.

14. No Law Governs Assistant Town Manager. If the selectboard and manager agree the town manager can appoint an assistant manager to help the manager perform his or her duties. There are no laws governing this position. The personnel policies of the town or agreement between the manager and assistant will define what is required in this position.

15. Out Of State Clergy May Perform Marriage In Vermont With Permission. In Vermont marriages and civil unions may only be solemnized by a judge or a justice of the peace or by a member of the clergy residing in this state and ordained or licensed, or otherwise regularly or by a clergy person residing in an adjoining state or country, whose parish lies wholly or in part in Vermont. A clergy person residing in another state or in Canada may perform a marriage or civil union in Vermont by applying for special authorization from the probate court of the district where the marriage or civil union is to be solemnized. 18 V.S.A. § 5144.



16. Town May Appropriate Money For Advertising. Vermont law permits a town or village to appropriate money to advertise the scenic beauties and municipal advantages of the town or village and its environs. A town may also appropriate money to give to an area development association that serves the town or village, even if the association is incorporated outside of Vermont or serves towns or cities outside of the state. Money appropriated for advertising can be spent only upon an order of the legislative body. 24 V.S.A. § 2744.

17. Municipality Can Establish Tax Stabilization With Certain Landowners. Vermont law permits municipalities to contract with owners of agricultural, forest land, open space land, industrial or commercial real and personal property and alternate-energy generating plants to fix and maintain the value of the property in the grand list, or to fix the tax rate applicable to the property, or to establish the amount to be paid in property taxes. This can be done by vote at an annual or special meeting. A majority vote is required if the property is agricultural, forest, open space or an alternate energy generating plant. A two-third majority is required to approve contacts relating to commercial or industrial property. The voters can either authorize the legislative body to enter into a specific contract or it can authorize the legislative branch to enter into a contract to be ratified by a majority vote at an annual or special meeting. 24 V.S.A. § 2741.

18. Tax Stabilization Is For Limited Duration. Tax stabilization contracts cannot exceed ten years (except for alternate-energy generating plants whose term shall not exceed the term of any approval required to operate such a plant). The approval must be filed with the municipal clerk. 24 V.S.A. § 2741.



19. Nominating Petitions For Australian Ballot Due January 26th. In towns that use Australian Ballot to elect officers, nominations of the municipal officers must be by petition. The petition is due by 5:00 on January 26th (the sixth Monday preceding the day of election.) The candidate must also file a written consent with the clerk by 5:00 on the Wednesday following the filing deadline. Petitions can contain the name of only one candidate and must include the office and the particular seat to which the person wishes to be nominated. 17 V.S.A. § 2681. Petitions must be signed by 30 voters or 1% of the checklist, whichever is less.

20. Voters May Only Sign One Petition For Same Office. A voter may not sign more than one petition for the same office unless there is more than one nomination to be made. In such a case a voter may sign only as many petitions as there are nominations to be made for the office. 17 V.S.A. § 2681. This means that when the clerk is counting signatures he or she must discount a signature that appeared on an earlier counted petition for office. It is not up to the clerk to determine which petition the voter first signed.

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

Tip of the Month from the VMCTA



This month's tip is from Sandy Harris, Vernon Town Clerk and VMCTA President



Thanks to our Treasurer we have the amount of taxes due per parcel listed on our Grand List, along with the breakdown for municipal homestead, state homestead, local homestead, and school/home tax. This is appreciated by all who use it!

Happy New Year!

If you have a good tip that you would like to share with our readers please email it to Sandy Harris at vernontc@sover.net or mail them to:

Sandy Harris- VMCTA President
Town of Vernon
567 Governor Hunt Rd
Vernon, VT 05354

BCA Assessment Rulings: Market Value Adjusted for Equity

Guest Article by Spencer Potter, Vermont Municipal Assessor

A BCA appeal is a two step process. (1) What is the property worth and (2) how should the market value be adjusted for equity. To satisfy the first step the BCA should issue a ruling on the market value of the property being appealed. Somewhere in the body of the ruling the BCA should have a statement similar to the following:

Based on the evidence presented, the testimony given and the report of the inspection committee it is ruled that the market value of the property under appeal as of the assessment date is \$_____.

The BCA should spell out how it reached this ruling. Ideally both the taxpayer and the Listers gave testimony and evidence on the market value of the property. The BCA should evaluate the evidence and testimony. If both the Listers and the taxpayer presented sales as evidence, the BCA should determine which sales are the strongest. If the taxpayer's sales are similar to the subject and the Listers sales are much nicer than the subject the BCA should say that the taxpayer's evidence is better. Likewise if the Listers present testimony on market value but the taxpayer presents arguments about other issues beside market value the BCA should rule with the Listers.

The BCA hears a lot of testimony, some refers to market value and some does not. Some taxpayers and some Listers come in with impressive charts and tables. But if the evidence does not answer the basic question: "How much was the property worth on April 1st?" then the BCA should disregard it. What the assessment was last year does not tell the BCA what the market value is this year. How the land is graded does not tell the BCA what the market value is. One of the hardest jobs BCAs have is to separate the grain from the chaff. BCAs must have a firm understanding of the basis of assessment appeals; (1) What is the property worth and (2) how should the market value be adjusted for equity.

It would not be fair or correct to assess a property at 100% of market value when all other properties are assessed at 80%. Nor would it be fair or correct to lower an assessment to 70% of market value when all other properties are assessed at 90% of market value.

The equity adjustment is always an adjustment to market value. The BCA wants to answer the question; How are other properties assessed in relationship to their market values? If another property is offered as evidence of equity, both its assessment and its market value must be presented. Taxpayers and Listers are guilty of presenting graphs and charts that list parts of a properties. A chart that tracks the assessments of only the land portion of properties does not answer the basic question.

The BCA has a hard job. It is even harder if the BCA does not know what makes up the basis of an assessment appeal. It is very difficult to sift through all of the evidence and testimony to figure out what is important. I often start my testimony with a rhetorical question to the BCA. How do you know if an assessment is correct? An assessment is correct if the assessment is equal to the market value of the property as of April 1st multiplied by the correct equity adjustment percentage.

There is nothing worse than the BCA realizing that they have not heard testimony or been presented with evidence on market value by either the taxpayer or the Listers. The testimony and evidence may have been impressive and compelling, but if it does not address market value the BCA can not complete the first of the two step process. The BCA can not go on to the second step until it has completed the first step.

BCAs should be up front with both the taxpayers and Listers. Tell taxpayers and Listers that the BCA will issue a ruling on market value and on equity. Most of them will get the message. Getting testimony and evidence that address the two critical questions will make a difficult job easier.

Guidelines For Social Service Agency Petitions

The practice of going directly to the voters for agency funding has proliferated in past years as federal and state funding has been reduced. As a result of the increase in demand for assistance, town officials have adopted a variety of policies and practices about when and how agencies may request financial support from the voters of the town. Because state law provides agencies the right to petition to be placed on the ballot, confusion abounds.

Here are answers to some of the most common questions we receive on this issue:

1. Who can ask for money?

A town may only spend taxpayer dollars for social service agencies that serve the community. However, the agency does not have to be located within the community to qualify for funding. 24 V.S.A. § 2691. *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989).

The statute sets out the types of social service agencies for which a municipality may appropriate sums of money. These service agencies may include, (but are not limited to) medical facilities, transportation and social services that serve children, disabled people, drug and alcohol abusers, people requiring employment to eliminate their need for public assistance, and senior citizens.

2. How does an agency get a financial request on the ballot?

An organization's request for a town appropriation can be placed on the ballot in one of two ways:

- a) An agency can bring a petition, signed by 5% of the voters, to the selectboard by the 40th day before the date of the meeting. 17 V.S.A. § 2642. This year that date is January 22nd. A single petition may include multiple articles requesting appropriations to more than one agency, or it can include a single request.
- b) The selectboard may, on its own motion, include in the warning appropriations for non-profits that serve the town. A board cannot require social service agencies to come to the board for support – if the town receives a properly signed petition it must place the item on the warning.

3. Voting on the request.

An appropriation request that is included on the warning is voted on in the manner that the town considers appropriations (sometimes called “money articles”). In a town that decides these issues by floor vote, a representative of the social service agency can ask to speak to explain the request. However, because only voters have a right to speak at town meeting, if the representative is not a voter in the town, he or she may only speak if the assembly votes to allow this.

4. After the Vote.

In the event that a social service agency receives an appropriation from the town, the town should provide a check at the beginning of the town's fiscal year or after the first taxes are collected in the new fiscal year. If the appropriation is large, sometimes the agency and the town agree to two or three installments (perhaps to mirror installment payments of property taxes). In addition, state law allows the selectboard to require the agency to enter into a contract with the town to ensure that the appropriation is used to provide services to the town. 24 V.S.A. § 2692. A court will require that such a contract be reasonable. *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989).

January 2004

January 2: (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)(6)

January 6: Legislature reconvenes (second year of biennium).

January 15:

- Last day for Tax Collector to deliver unpaid real and personal property tax lists to Treasurer. 32:5162
- 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)

January 19: Martin Luther King, Jr.'s Birthday. 1:371

January 22: 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)
- The legislative body has its first opportunity to warn the annual Town Meeting and the Presidential Primary for Major Party Candidates, and post the warning and notices in two public places and in or near the Town Clerk's office. 17:2641(a), 17:2642, 17:2701
- Last day Town Clerk may request additional ballots from the Secretary of State, if necessary due to unusual growth of the checklist. 17:2478(d)
- Last day for Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501
- (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)

January 25: State Withholding Tax Return is due (actual date by which return must be postmarked is shown on printed return) if reporting less than \$2,500 per quarter. More than \$2,500 requires monthly report; more than \$9,000 requires semiweekly report. 32:5842

January 26: (Sixth Monday before election) 5:00 p.m. deadline for filing with the Town Clerk nominating petitions for town offices to be filled by Australian Ballot. 17:2681(a) Within 24 hours from receipt Town Clerk must return nominating petitions found not to conform, stating in writing the reasons why they cannot be accepted. 17:2681(e)

January 27: Last day for Auditors to post 10 days' notice of their meeting to examine town accounts. 24:1681

January 28:

- (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)
- 5:00 p.m. deadline for a person to withdraw after he or she has consented to be nominated. 17:2681(d) or 5:00 p.m. deadline for candidates to file supplementary petitions if initial petition was not accepted. 17:2681(e)

January 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

January 31: Last day to mail W-2 Withholding Forms to employees and last day to file Form 941 (Quarterly Withholding Return) with the IRS.

February 2004

February 1:

- Deadline for Tax Collector to turn over moneys collected and settle account with Treasurer. 24:1532
- Last day for Listers to file corrected grand list for preceding year in order to render it valid. 32:4112
- Last day to hold first public hearing on charter amendments if article is to be voted at Town Meeting. 17:2645(a)(3)
- (Not less than 30 days before Town Meeting) Last day for municipality to post warning and notice of Town Meeting and notice of Presidential Primary for Major Party Candidates. Instructions for voting procedures and contact information shall also be posted. 17:2641(a), 2642, 2521(a)
- 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 2004 continued

February 6: (25 days before Town Meeting) Auditors must meet by this date to examine and adjust town finances.

24:1681 Town officers must settle accounts with Auditors to be eligible for re-election. 24:992

February 11:

- (In towns using Australian Ballot 20 days before election) Under direction of the Town Clerk, ballots must be back from printer. 17:2681a(a)
- (Not later than 20 days prior to Special Primary 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 12: Lincoln's Birthday. 1:371

February 16: Washington's Birthday. 1:371

February 20: 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 21:

- (At least 10 days before Annual Meeting) Auditors' Report, or the findings of the public accountant employed in accordance with 17:2651(b), must be distributed. 24:1682, 17:2651b 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)
- (Not later than 10 days before local 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)
- (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 23:

- (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), 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), 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)
- (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. If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17:2822, 2103(13)
- (During the eight days before and on the day of the election) In towns using Australian Ballot, Town Clerk must divide the list of ill and physically disabled applicants 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)

February 26:

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

February 28: (At least 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)

February 28-29: (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)

Mailing List Updates!

Help us keep our mailing list up to date!

Let us know if:

- your address needs to be updated
- your name is misspelled, or
- you'd rather receive *Opinions* a week early via email



Send us a note via fax: 802-828-2496,
email: salberghini@sec.state.vt.us,
or post: 26 Terrace St. Drawer 09, Montpelier, VT 05609-1101
and be sure to include what your current *Opinions* mailing label says as
well as any changes that you would like to have made!

Thank you for helping us keep Opinions running efficiently!

RETURN SERVICE REQUESTED

Redstone Building
26 Terrace Street, Drawer 09
Montpelier, VT 05609-1101
802-828-2363
www.sec.state.vt.us

Office of the Vermont Secretary of State
January 2004

Opinions

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