

Opinions

Office of the Vermont Secretary of State



Vol. 8, #8

September 2006

A Message from the Secretary



September in my house is an exciting time. Maybe we don't keep the kids busy enough over the summer, but invariably, by the time school rolls around again, my kids just can't wait to get started. Shopping for school supplies, (and, for my middle daughter, a back-to-school

outfit) seeing friends who have been away, meeting new teachers and getting used to new schedules makes September seem a whirlwind of activity.

As you can imagine, it is also a whirlwind at the office. Not only are we overseeing the primary elections and getting ready for the general election, but we are also kicking off all of our civics education programs.

An election year provides a particularly good opportunity to reach into our schools to engage classes in learning about how our democracy works. Engaging our young people has always been difficult. And it's getting tougher – not easier. It is hard to compete with the World Wide Web, Myspace and Facebook, Instant Messaging, i-pods, not to mention television and computer games! For this reason it is even more important to find ways to partner with our schools to teach our kids about how they can make a difference in the world.

This year my office will again be asking schools across the state to participate in Vermont Votes for Kids, a mock-election program. In addition to the curriculum materials we have offered in the past, we have created a new board game called "On the Road to Congress." This game is meant for middle school students and teaches kids about the ups and downs of campaigning for political office. We have also revamped our Democracy in Action program, which is a five week newspaper in education series about elections which will appear in the daily newspapers around the state. We encourage you to get involved with these programs.

Call your schools to encourage them to participate in Vermont Votes for Kids. Offer to come in to register new voters. Encourage 16- and 17-year-olds to volunteer as Assistant Election Workers. Offer to help set up a mock election at the polling place so that kids can come with their parents to vote on Election Day. Offer to visit a classroom to talk about what it is like to work at an election or to serve in public office.

Working together we can help our schools recommit to the original purpose of public education – to train the next generation to be informed and active citizens!

Deborah L. Markowitz, Secretary of State

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Voice from the Vault

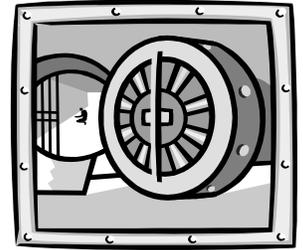
By Gregory Sanford, State Archivist

Premature Burial

“To be buried while alive is, beyond question, the most terrific of these extremes which has ever fallen to the lot of mere mortality. ..The boundaries which divide Life from Death are at best shadowy and vague. Who shall say where one ends, and where the other begins?”

The above quote is from Edgar Allan Poe’s 1844 short essay, “Premature Burial.” The universal horror of being buried prematurely was recently demonstrated by a thread on Muninet. The thread began innocently enough with the shared experience of several municipal clerks who discovered gaps between their vault doors and doorframes.

These exchanges quickly segued into questions about whether it was possible to be locked in the vault. The thought of being locked in a vault overnight or worse, over a weekend, was clearly unsettling. Happily those participating in the discussion all reported that their vaults could be opened from the inside; indeed, each had a tale of someone bolting from the vault in panic after being inadvertently shut in.



Panic turned first to relief and then to a form of gallows humor. But what about the records?

They are casketed in boxes and volumes, entombed in the vault, and then, with the flip of the light switch and a click of the lock, plunged into funeral gloom. Retaining life, they are treated as dead.

Yes, individual records are disinterred for a title search, boundary survey or some other narrow purpose but by and large the wonderful body of information contained in municipal vaults remains shrouded. That may soon change.

Information and communication technologies hold the promise of renewed life for municipal information. Many municipalities are already putting selected information, such as minutes, online. Some municipalities are making appraisal and grand list information available through their web sites. State agencies, using geographic information systems, are now posting information on everything from watersheds and deer yards to the water flow of individual wells.

Not everyone is comfortable with the re-emergence of municipal information from town vaults. Privacy and security disagreements have been litigated. Concerns about the erosion of record-based fees, established in a paper world, have been raised, as have the costs of committing to information technologies. We ask, how public should public information be? The demand for online-accessible, aggregated information touches on the very role, and future, of municipal officers.

Underlying such concerns and demands is the need to re-think what we do, why and how. This applies equally to the state, as well as municipal, archives. The state archives is conducting a sustained effort to reexamine, and where appropriate, change, what we do.

It is no longer adequate to expect our public to conform their schedules to our hours and come to us. Instead we are attempting to identify what information that public wants and to present it online, available to all whenever it is needed. It is no longer practicable to create detailed inventories and put them in notebooks to await possible users. It is no longer possible, given the increasing volume of records, to do item by item level processing. Instead it is important to let as many people as possible know what records we have. It is essential to devise new processing procedures that create some level of intellectual control, rather than have detailed finding aids for a few collections.

To accommodate these new realities we have redesigned our website to make the growing volume of information more navigable (<http://vermont-archives.org/>). We are increasingly relying on databases, not finding aids, to alert people to what we have (see, for example, <http://vermont-archives.org/research/database/series.asp>). We are not only making commonly requested information, such as lists of state officers or election results, available (<http://vermont-archives.org/govhistory/elect/index.htm>) but are also synthesizing record-based information that can help support decision making by providing context (<http://vermont-archives.org/govhistory/governance/index.htm>). And, given a growing demand for archival services, we are providing online guidance and tools for managing records and information (<http://vermont-archives.org/records/>).

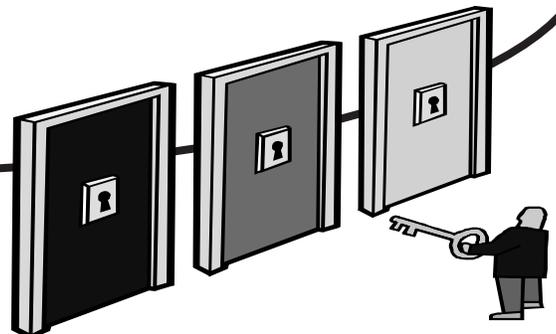
We will continue to add to this content as new information and tools are developed. As noted above, many municipalities are also finding ways to let information escape the confines of their vaults.

One exciting effort that we are privileged to be a partner in is the Town of Colchester's exploration of a comprehensive municipal e-government framework. Rather than simply employ technology on a department-by-department basis, Colchester is stepping back to reexamine workflow among the departments and where a common infrastructure and management plan can enhance information sharing and realize cost savings. What if, at some future date, a citizen could go online and access all the pertinent public information associated with a particular property and neighborhood? What if town officials, where appropriate, could access information across municipal boards and departments in ways that supported their decision-making? What if technology was acquired so it was compatible across boards and departments rather than having one system for listers, one for clerks and another for zoning?

There is much in this broad, e-municipal approach that promises an exciting future for the accessibility to and use of municipal records. As yet it is only a promise, and no more; it is a future that has not yet been achieved. Nor does it, in itself, resolve some of the concerns of individual municipalities outlined above. But we are rapidly reaching a level of expectation and capability that will allow municipal records and information to recross that border from death to life. Will, in the future, we continue to be able to prematurely bury vital information? Nevermore, quoth the maven.

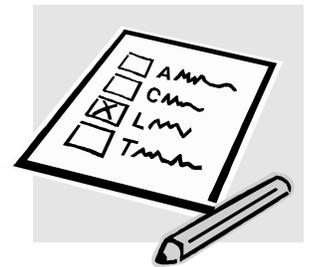
Quote of the Month

Destiny is not a matter of chance, it is a matter of choice.
William Jennings Bryan

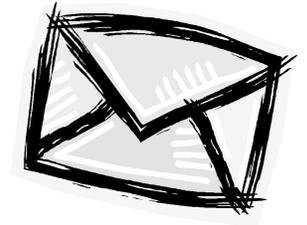


Opinions of *Opinions*

- 1. Political parties can nominate justices if they act before September 15th.** If a political party town committee has failed to caucus prior to the first Tuesday in September to nominate justices of the peace, the party town committee shall meet and nominate candidates for JP as provided in 17 V.S.A. §§ 2381-2387. The chairman of the party's committee shall give not less than five days written notice to all members of the committee of the meeting to nominate. The committee nominates JP candidates by a majority of those present and voting. The statement of nomination by committee officers' form must then be completed and signed by the chairman and secretary. A copy of the notice of the meeting must be filed with the statement of nomination before 5 p.m. on September 15, 2006.
- 2. Constables are no longer required by law to "guard" the ballot box or tabulating machine.** Although prior law made it a duty of the constable to "guard" the ballot box, the constable no longer has this role – or any other official role in the elections. A constable can be appointed by the BCA to serve as an assistant election official, and the presiding officer can assign the constable to perform any role he or she feels is necessary. Of course, if there are unruly voters or observers, the presiding officer can ask the constable for assistance in maintaining order in the polling place.
- 3. Voters must deposit their own ballots into the ballot box.** The presiding officer must assign an election official to stand approximately four feet away from the ballot box or tabulating machine to be available to answer questions for voters. Voters **MUST DEPOSIT THEIR OWN BALLOT INTO THE BALLOT BOX or TABULATOR.** If the tabulator rejects the ballot due to an over-vote, then the election official moves to the left side of the tabulator to read the display screen and tell the voter which is the first race in which the voter has voted for too many candidates. The most frequent complaint to our office on Election Day is that an election official has "taken" a voter's ballot to deposit in the ballot box or has hovered too close to the tabulating machine so that the voter fears that his ballot is being "read" by the election official.
- 4. Unlike the presidential primary, which primary a person chooses to vote in is private.** Unlike the presidential primary, where a voter is given only one party's primary ballot to vote on, in the September state primary the voter is given all four major party ballots. In towns that count their ballots by hand, the ballot is one large piece of paper with each party's ballot printed on it and separated by perforations. In the privacy of the voting booth the voter separates the four ballots, folds up the three he or she wishes to discard, and votes in the one primary of his or her choice. No one but the voter should know which ballot has been chosen. 17 V.S.A. § 2570.
- 5. There will be two boxes for primary election.** For the primary, in addition to the ballot box there will be a box for the unvoted ballots. With four major parties this year, this means one ballot is placed in the ballot box (or optical scan machine) and three are placed in the unvoted ballot box. An election worker may take the unvoted ballots and assist the voter in disposing of them; however, it is important to do this in such a way that would not lead the voter to believe that you could know which primary ballot they chose to vote. 17 V.S.A. § 2570.



6. **Registered voters in Vermont shall not lose their residence for voting purposes solely by living outside of the United States.** Until the voter returns to reside in the United States, the voter can remain on the checklist and vote by absentee ballot in the town or city where the voter last resided immediately prior to moving overseas. Registered voters who are serving in the military and their immediate family members may also continue to vote where the voter last resided immediately prior to moving overseas. 17 V.S.A. § 2122
7. **Town can overnight a ballot to voter who is concerned about receiving it in time.** If a military or overseas voter is concerned about the transit time it takes to receive the ballots and then return the ballots, the voter, a family member or friend can give the town clerk a prepaid overnight or express delivery envelope to speed delivery.
8. **Town may fax ballot to military or overseas voter on request.** A town clerk may fax ballots to a military or overseas voter upon request along with a certificate to be affixed to a No. 10 envelope to sign and return the ballots inside. This year a town clerk may also email a PDF of the ballots to a voter along with a PDF of the certificate to be affixed to the return envelope. The voter can then print the ballots, mark the ballots, complete the certificate, affix it to a No. 10 envelope, then place this in an express delivery envelope for return to the town clerk. Please contact Melanie Hodge at 802-828-0175 if you need a PDF of your ballots or a PDF of the certificate to email.
9. **Official Return of Votes must be returned immediately after the election!** Town clerks must file a copy the Official Return of Votes for the primary as soon as possible after the September 12th election (but not later than 48 hours after the election) with the Secretary of State, senatorial district clerk, county clerk, and representative district clerk. The Elections Division mailed copies of the tally sheets, summary sheets, and Official Return of Votes forms to all Town Clerks along with more detailed instructions in late August. Please call if you have not received yours!
10. **Voted Early or Absentee Ballot that has been received by the town cannot be returned to the voter.** If an early voter mails or returns in person his voted ballot and unused ballots in the sealed signed envelope to the town clerk, the voter cannot ask for his ballots back so he can “change his mind” about a vote. 17 V.S.A. §2543. The law states that “once an early voter absentee ballot has been returned to the clerk in the sealed envelope with the signed certificate, it shall be stored in a secure place and shall not be returned to the voter for any reason.” It is just as if the ballot had been deposited in the voted ballot box on Election Day.
11. **Early or absentee voter can replace spoiled ballot.** If an early voter discovers that he has made a mistake and spoiled his ballots prior to returning the ballots to the clerk, he can return all of the spoiled ballots and envelopes to the town clerk and request another set of ballots to vote, just the same as a voter in the polling place can request up to three sets of ballots if he spoils or makes a mistake in marking or tearing the ballots. 17 V.S.A §2568
12. **Early or absentee voters in the primary must return voted and unvoted ballots.** For the September primary, an early absentee voter must return the unvoted ballots in the unvoted envelope along with his voted ballot in the voted ballot envelope, or his ballot must be considered defective and shall not be counted. 17 V.S.A. §2547. All early voters must select only one primary ballot to vote, and the other three major party ballots must be returned to the clerk in the unvoted ballot envelope along with the voted ballot in the signed certificate envelope.



13. **Ballots must be returned to the polls by 7 p.m. in order to be counted.** Anyone, a neighbor, a delivery boy, even a candidate can return voted ballots sealed in the voted ballot envelope with the signature of the voter to the town clerk (or polling place on Election Day) before the 7 p.m. closing of the polls. Vermont statutes do not limit the means by which voted ballots be returned.

14. **Reasonable rules for poll watchers can be set by each presiding officer.** We recommend that presiding officers prepare a list of rules for all poll watchers to review and sign. These rules could include: No cell phones in the polling place, no food or drink, no chitchatting with voters, election workers, or other poll watchers. They must sit or stand where assigned by the presiding officer (behind guardrail or tape marks on floor). They have the right to hear names but may not touch the checklists or talk to the election officials working on the entrance checklist. If they have a problem hearing they must speak to the presiding officer who will help solve the problem.

15. **Small towns must show checklist to poll watchers twice during Election Day.** In towns with less than 500 voters, poll watchers (representatives of a political party or a candidate) may view the checklist twice during Election Day, at a time that is convenient for the election officials. This is only permitted in instances where the board of civil authority received a request in writing from the representative or candidate at least 12 hours before the opening of the polls.



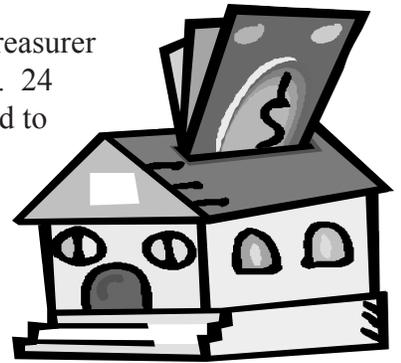
16. **Selectboard member/justice has only one vote on the BCA.** Even though a voter has been elected both as a selectboard member and a justice of the peace, that person is only entitled to one vote on the Board of Civil Authority. The number of board members on the full board is also reduced by one for purposes of calculating a quorum. For example, if a town normally has a BCA made up of five selectboard members, 15 justices and a town clerk, the board would be 21 members and a quorum for other than election purposes would be 11. If, however, in the same town, two selectboard members were also elected justices of the peace, the board would be 19 members and a quorum for other than election purposes would be 10. A person cannot cast two votes by virtue of being elected to two different offices. NOTE: A smaller quorum – of at least three members applies when the BCA is acting on tax appeals and in some election matters – except on Election Day the BCA quorum is whoever is present and voting. 17 V.S.A. § 2103, 2451; 24 V.S.A. § 801.

17. **Town clerk can be elected justice of the peace.** If this happens, as stated above for selectman/justice, the clerk has only one vote on the BCA.

18. **Measures must be taken to protect the security of the ballots.** When ballots are printed for any election, including a union school district, the ballots must be delivered directly from the printer to the town clerk or school district clerk. The security of ballots is important before an election as well as after an election. Ballots must be delivered directly to the town clerks so that absentee ballots can only be obtained from the town clerks of the member towns for union school district Australian ballot elections. Ballots cannot be handed out to voters by school employees.

19. **BCA may hear tax appeal without appellant present.** If a person bringing a tax appeal to the BCA chooses not to attend the hearing, the BCA must still hold the hearing, consider the appellant's written submission, inspect the property and render a decision. However, if the appellant refuses to allow an inspection of the property (both interior and exterior of any structure), then the appeal will be considered withdrawn. 32 V.S.A. §4404(c).

20. **BCA has flexibility when scheduling tax appeal hearings.** 32 V.S.A. §4404 requires tax appeal hearings to start within the 14 days after the last date allowed for a notice of appeal, but it does not require that the hearing be completed on that date. This means that the BCA can use the initial hearing to set a schedule of hearings to be held at later dates. The BCA must then “continue” the hearing to each subsequent date. Note that whenever a hearing is postponed at the request of an applicant rather than convened and then continued to a date certain as described above, the board should obtain a waiver from the appellant. It is within the discretion of the BCA to allow postponement to a later date at the request of the appellant or insist on going forward on the scheduled date.
21. **Constable’s authority is limited to the boundaries of the town.** Vermont case law makes it clear that Vermont’s constables, whether elected or appointed, do not generally have any authority outside of the boundaries of the town in which he or she was elected or appointed. *State v. Hart*, 148 VT 104 (1987). While municipal police officers were given authority by the legislature in 1988 to exercise statewide jurisdiction, constables were not included in this authorization. A constable should be careful not to misrepresent his authority outside of his town. For example, if a constable represented himself to be a “police officer” with full authority at the site of a car accident out of his or her jurisdiction, it is possible that the constable may be charged as impersonating a police officer. 24 V.S.A. § 1936a.
22. **Constable with law enforcement powers may transport a DUI suspect to a police department outside his town for processing.** 24 V.S.A. § 1936a (c) permits a constable, who is not prohibited from exercising law enforcement authority, to transport a person arrested by the constable for a violation of the DUI law to a police department outside the town for the purpose of DUI processing. The constable may complete the processing if he or she has been certified by the Vermont Criminal Justice Training Council to do so.
23. **Neighboring town can authorize constable to act.** 24 V.S.A. § 1936a (d) provides that a municipal legislative body may vote to allow a constable elected or appointed in another municipality to exercise law enforcement authority in its municipality, so long as that constable has law enforcement authority in his or her own town, the constable has completed the training requirements for a full-time or part-time law enforcement officer, and the exercise of law enforcement authority is conducted in accordance with policies and procedures adopted by the legislative body establishing the circumstances under which the authority may be exercised.
24. **Selectboard does not have to be present when treasurer writes checks.** The treasurer must pay orders drawn on him by officials authorized by law to draw such orders. 24 V.S.A. § 1576. The selectboard may authorize one or more members of the board to determine what must be paid and then draw the orders, (or the board can submit certified copies of the minutes of the selectboard meeting showing to whom, and for what purpose each payment is to be made by the treasurer. Because the written order of the authorized board members or the certified copy of the minutes serves as full authority to the treasurer to make the approved payments, no member of the board need be present to approve the actual payments as they are made by the treasurer). The selectboard must be provided with a record of orders drawn whenever orders are signed by less than a majority of the board.
25. **Town funds are invested by the treasurer with the approval of the selectboard.** Although the treasurer is responsible for the accounts of the town, the law requires the treasurer to get the approval of the selectboard when he or she makes investment decisions for the town. This means, whether it is simply changing the bank the town does business with, or investing reserve funds, the treasurer must confer with the selectboard. 24 V.S.A. § 1571.



26. Delinquent tax collector may not approach taxpayer who is known to be going through a bankruptcy.

Whenever a delinquent tax collector has a reason to believe a delinquent taxpayer has filed for bankruptcy he or she must stop all collection actions related to the taxpayer. Of course, if the taxpayer has made an installment payment arrangement, the town can continue to accept the installments (if offered by the taxpayer.) The federal law places an absolute bar on collection activities once a taxpayer files for bankruptcy, and under this law it does not matter that the creditor was not given official notice of the bankruptcy if the creditor has actual knowledge (or a reason to believe) bankruptcy was filed. If the town did not receive notice we recommend that you contact your attorney and the bankruptcy court before you proceed with any collection activities.

27. Interest on money held in tax sale escrow goes to help taxpayer redeem property.

When a tax sale is held and the taxpayer wishes to redeem, the interest on the escrow account should go back to the property owner to assist with the redemption. (After all, they pay interest to the person who purchased at the tax sale). As a practical matter, when the taxpayer comes to redeem the property, the amount required to be paid by the taxpayer is reduced by the amount of interest earned by the money that had been held in escrow. Note that while the statute is not specific in this regard, case law is very clear that during the tax sale process the town has a fiduciary obligation to the delinquent taxpayer. *Bogie v. Town of Barnet*, 129 Vt. 46 (1970).



28. Towns are not required to use bid process. There is no state statute that requires towns or town cemeteries to use a public bid process. However, many towns have adopted public bid policies, and some towns include bidding requirements in their charters. Whenever a public official may be an interested bidder, a public bid process should be used to ensure that the public has confidence in the selection process. Note that the law requires public bidding in many school district contracts.

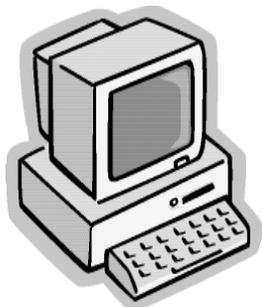
29. Board members who bid on town contracts must not participate in discussion or vote on contract.

Whenever a board member wishes to bid on a town contract the board member should remove him or herself from the board for the purpose of the discussion and vote. To avoid even the appearance of undue influence the board member should not be present during the discussion and vote.

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

This month's tip comes from Deborah LaRiviere, Town of Bolton



The Town of Bolton copies the property transfer return and the listers' card that corresponds to it for every property sale or transfer. We slide them into a plastic three-hole punched sleeve and keep them in a loose leaf binder by year. That way, title searchers needn't bother me or my assistant for at least these two items. The binders have an index. The plastic sleeve can be removed from the binder to make copies. It saves a lot of hunting and re-filing.

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

New Vermont Secretary of State Kids' Website!!

We are pleased to announce that the Secretary of State's office has an official new kids' website. You can visit this website at www.sec.state.vt.us/kids. Some of what's included on the kid's pages are:

- **Vermont Votes For Kids** Civics Curriculum for K-12 students. The civics curriculum culminates in a mock election and teachers can click on the *How to Run a Mock Election* link to find out the details. Teachers in your community may be contacting you about holding a mock election at the polling place on election day. Please let Janel Johnson know if you have any questions about this process.
- A fun and interactive new board game for middle schoolers called **On the Road to Congress**. This game is designed to teach kids the fundamentals of a congressional campaign taking students from the earliest planning and paperwork stages into the final suspenseful moments when the vote is counted. We are actively promoting this game in Vermont middle schools but please pass the word to any middle school teachers in your community.
- A NEW, wildly entertaining 7 minute video/DVD for first time voters called **Your Vote is Your Voice** is also complete and ready to order! This is available in VHS and DVD format. Check it out at www.vermontvotesforkids.com where you can view it and order one for your office!
- Check out the entire kids' website for great activities and resources for your local school children.

Honor a Vet With Your Vote



The button drive for the Honor a Vet With Your Vote program is taking off! Buttons are being distributed through veteran's organizations, civic organizations such as Rotary and Kiwanis clubs, family reunions and of course, at the Town and City Clerk's offices. The Secretary of State's office has also sent a number of buttons in the mail as voters can order them on our Elections website. If you know someone who wishes to sponsor an Honor a Vet With Your Vote button drive or if you need more sign up forms, buttons, or posters advertising the program for your office, please contact Janel Johnson at 802-828-1296.

Ordering Election Materials

Many orders have been filled for election materials. Register to Vote Here signs and elections stickers are still available if you have not already placed an order. We continue to have a supply of Your Vote is Your Voice buttons, bumper stickers, water bottles and t-shirts. And don't forget to order the new Your Vote is Your Voice video/DVD for your office!



Contact Janel Johnson at govote@sec.state.vt.us or 1-800-439-VOTE with any questions!

Vermont Law on Campaigning Outside the Polling Place

Because we get so many questions about campaigning at the polling place we have included these extra “opinions” on this topic. We hope this helps you maintain order on Election Day!

1. Political campaign signs at the polling place on Election Day may be regulated by the presiding officer. 17

V.S.A. §2508. The law was amended in 2001 to give more authority to the presiding officer on the day of the election. The presiding officer can prohibit all signs from being placed in the ground or affixed to anything on the property of the polling place. However, the presiding officer cannot prohibit a person from standing and holding a sign outside the polling place so long as the person does not hinder or impede the progress of any voter going into or out of the polling place as this is constitutionally protected free speech.

For the day of the election, the presiding officer can adopt a policy to allow signs to be placed in the ground in certain areas as long as the policy is applied evenly to all candidates or political issues regardless of the political content. The presiding officer can limit the size or number of signs per candidate, issue, or public question.



2. Candidates or political activists can stand outside of polling places on the day of election and hand out brochures or “palm cards” to voters so long as they do not hinder or impede the progress of voters going into and out of the polling place. 24

V.S.A. §2508. There is no specific number of feet away from the polling place limitation in Vermont law. It is up to the presiding officer at each polling place to set reasonable rules to allow voters to enter and leave the polling place without interference. The rules will depend on the physical characteristics of each polling place.

Generally the presiding officer will come outside early in the day to explain to all interested persons where they can stand and greet voters, where they can stand to hold signs, and where they can stand to offer printed information to voters. In our experience, most people generally abide by the rules established by the presiding officer. If there is a problem, the presiding officer can call a law enforcement officer for assistance.

3. No political literature, buttons, or other political materials can be DISPLAYED inside the polling place. 17

V.S.A. §2508. However, any voter can bring a small brochure, card, or paper into the voting booth with him or her to assist the voter in casting his votes. The voter must remove the literature and take it out of the polling place when he or she has finished voting.

We strongly suggest that presiding officers arrange to have either an election official or volunteer check the voting booths frequently to make sure that no literature has been left in the booths.

4. Exit polls or surveys can be done outside of the polling place so long as a voter voluntarily offers to participate and the persons conducting the polls or surveys do not hinder or impede the progress of the voter as he or she enters or leaves the polling place. 17 V.S.A. §2508.

No person (not even a town official) is allowed to distribute surveys or questionnaires inside the polling place.

5. Any person can park a car, van, or truck in a legal parking space on a public street or in a public parking lot with a political campaign sign displayed in the vicinity of the polling place.

If your polling place is at a school or town hall and there is a parking lot on the premises, the presiding officer can mark and establish handicapped voter spaces, and post time limits for parking in the lot on Election Day. However, if there are adjacent public streets or public parking without established limits, a car with a large sign can remain. If a car is not legally parked, the presiding officer can ask a law enforcement officer to ticket the car or to arrange to have the car moved. If the car is legally parked, the display of the sign is not illegal.

6. In establishing reasonable rules for campaigning outside of the polling place, the presiding officer must establish a sufficient number of parking spaces to allow voters with disabilities to have access to the polling place, or to have two election officials bring ballots out to the disabled person’s vehicle.

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



Green Mountain Payroll Conference

September 21, 2006

Sponsored by Green Mountain Payroll Association

Location: Capitol Plaza, Montpelier

Phone: 802-229-3457

Web site: <http://www.greenmountainpayroll.netfirms.com>

The Green Mountain Payroll Association is hosting a state wide payroll conference. Please join us for a day filled with opportunities to attend educational sessions focusing on the payroll and human resource professions. There will also be opportunities to network with other payroll professionals. First come, first served. Registration limited to 100. If registration is received after August 9th, there will be an additional \$10.00 fee. After the last session, a 2007 Green Mountain Payroll Association membership will be raffled. You must be present to win.

VLCT Town Fair

October 5, 2006

Sponsored by Vermont League of Cities and Towns

Location: Barre Municipal Civic Center

Phone: 800-649-7915

The VLCT annual Town Fair brings together approximately 100 exhibitors and over 500 municipal officials, employees, and volunteers for a day-long event featuring workshops, annual meetings, an awards luncheon, and trade show. Exhibitor registration material and attendee registration material are available online at www.vlct.org.

VTCMA 2006 Fall Conference

October 19, 2006

Sponsored by Vermont Town and City Management Association

Location: Basin Harbor Club, Vergennes

Phone: 802-229-9111

Web site: <http://www.basinharbor.com>

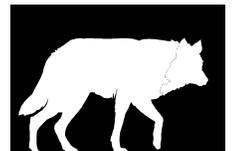
This one and a half day conference begins on Thursday morning, October 19, at the Basin Harbor Club in Vergennes, Vermont and continues through mid-day on Friday, October 20. VTCMA members and non-members are welcome to attend the conference, which features a full slate of workshops and an evening dinner/awards ceremony. Workshop session topics include Municipal Financial Management, Personnel Management and Review, Growth Centers and Tax Increment Financing, and the ever-popular Crackerbarrel, moderated this year by South Burlington City Manager Chuck Hafter. For a copy of the full schedule and registration form, contact Jessica Hill, VLCT Manager, Administrative Services, via the contact information above. For more information about the Basin Harbor Club, see the Web site listed above.

Please RSVP by Friday, September 15, 2006. Availability cannot be guaranteed after this date.

September 2006 Calendar

September 2006

- 2 (*Not later than 20 days prior to the election*) Last day for Town Clerk to post sample ballots in the same places they have previously posted copies of the warning, notice and checklist. 17:2522(a)
- 2 (*At least 10 days before the election*) Voting machines must be tested using official ballots that are clearly marked “test ballots.” 17:2493(b)
- 4 Labor Day. 1:371(a)
- 5 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. 17:2103(13), 2144(a)
- 5 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. 17:2103(13), 2144(b)
- 5 Last day (*up to 12:00 noon*) for Town Clerk to receive a request for an application for addition to the checklist simultaneously with a request for an early or absentee ballot. 17:2103(13), 2532(b), (c)
- 5 (*During the eight days immediately preceding election day and on election day*) Town Clerk must give each pair of Justices one part of the list of ill or physically disabled applicants to be visited, together with early or absentee voter ballots and envelopes for each. 17:2103(13), 2538(b), (c)
- 5 (*On or before the first Tuesday in September*) Upon the call of the town committee, party members in town may meet in caucus and nominate candidates for Justice of the Peace. If no caucus is held, the town committee meets and nominates candidates. 17:2381(a)(3), 2413
- 7 (*At least five days before primary election*) Last day for Town Clerk to forward to Board of Civil Authority a list of voters added. 17:2144b(d)
- 8 (*60 days before the general election*) First day for candidates for the office of Justice of the Peace to file statements of nomination with the Town Clerk. 17:2386, 2387, 2402(d)
- 9 (*Not later than three days before the primary election*) Board of Civil Authority must have designated pairs of Justices of the Peace, assuring political balance in each pair, to deliver absentee ballots to ill or disabled voters. 17:2538(a)
- 11 Board of Civil Authority must appoint a presiding officer if the Town Clerk or other regular presiding officer is unable to preside at the election or if more than one polling place is used. 17:2452
- 11 Prior to the day of the election, Board of Civil Authority must appoint assistant election officers. 17:2454
- 11 Presiding officer must notify election officers of their hours and duties. 17:2455
- 11 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 on this day. 17:2531(a), 2532(a)(1)
- 12 PRIMARY ELECTION DAY 17:2351**
- 12 (*Before polls open*) Town Clerk must give election officials a list of those voters who have already cast early or absentee ballots. 17:2548(a)
- 12 (*Before polls open*) The presiding officer must post copies of the warning and notice, and sample ballots. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballots. 17:2523
- 12 Polls must be open 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)
- 12 (*Upon opening of polls*) 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
- 12 (*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
- 12 For those who became eligible to vote after the second Monday prior to Election Day and had notified the Town Clerk of intent to apply for addition to the checklist, the Town Clerk shall act on applications until polls are closed. 17:2144(b), (c)
- 12 As soon as possible after the polls close, the presiding officer must examine entrance and exit checklists and prepare a statement of discrepancies. 17:2583(a)
- 12 Presiding officer directs election officials in counting ballots. 17:2581, 2582
- 12 Presiding officer must seal all ballots, entrance and exit checklist(s) and tally sheets. 17: 2583(a), 2590(a), 2689
- 13 (*No later than 24 hours after polls close*) Presiding officer and one other election official shall transfer the totals from the summary sheets to the return, and both shall sign the return. 17:2588
- 14 (*Within 48 hours of the closing of polls*) Town Clerk shall deliver one certified copy of each primary election return to the Secretary of State, county clerk, representative district clerk and senatorial district clerk. 17:2588
- 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 a rabies control program. 20:3581(f)
- 15 (*No later than 5:00 p.m. on the third day following the primary election*) Last day for candidates for the office of Justice of the Peace to file statement of nomination and consent form with the Town Clerk. 17:2361, 2386, 2387, 2402(d).
- 15 Last day (*no later than 5:00 p.m.*) for independent candidates to file a certificate of nomination and consent with the Secretary of State. 17:2386(a), 2387, 2402(d)
- 15 Last day (*up until 5:00 p.m.*) for validly nominated candidates to withdraw their names from the general election ballot by filing a written notice with the Town Clerk in the case of a Justice of the Peace, or with the Secretary of State in the case of all other offices. 17:2412



- 22 (*Within 10 days after the election*) Last day for a candidate to request a recount. 17:2602(b)
- 22 Last day for persons nominated by any means for the same office by more than one political party to elect the party or parties for which they will be candidates. 17:2474(a)
- 27 (*Within 15 days after the election*) Last day a voter may contest results of the primary election. 17:2603(c)
- 28 (*At least 40 days before the election*) Last day to request additional ballots for the general election from the Secretary of State. 17:2478(c)
- 28 (*At least 40 days before the election*) Last day for the Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501

October 2006 Calendar

October 2006

- 3 Town Clerk will receive at least five copies of the general election warning and notice for each polling place by this date. The Town Clerk should list the polling place, address and the time polls open in the blanks on each warning. 17:2521(b)
- 5 VLCT ANNUAL MEETING and TOWN FAIR**
- 8 (*Not less than 30 days before the election*) Last day for posting the warning and notice for the general election. 17:2521(a)
- 8 The most recent checklist of the town should also be posted at this time, wherever the warning and notice are posted. In towns that divide their checklist, that portion of the checklist that applies to the district should be posted. 17:2141, 2501
- 9 Columbus Day. 1:371(a)
- 10 (*30 days before election*) Town Clerk will receive prepared general election ballots by this date. Clerk should store the ballots, except those used for sample and absentee ballots, in a secure location until the day of the election. 17:2103(13), 2479
- 18 (*Not later than 20 days prior to the election*) Last day for Town Clerk to post sample ballots in the same places they have previously posted copies of the warning, notice and checklist. 17:2522(a)
- 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 (*At least 10 days before the election*) Voting machines must be tested using official ballots that are clearly marked “test ballots.” 17:2493(b)
- 30 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)
- 30 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)
- 30 Last day (*up to 12:00 noon*) for Town Clerk to receive a request for an application for addition to the checklist simultaneously with a request for an early or absentee ballot. 17:2532(b), (c)
- 30 (*During the eight days immediately preceding election day and on election day*) Town Clerk must give each pair of Justices one part of the list of ill or physically disabled applicants to be visited, together with early or absentee voter ballots and envelopes for each. 17:2538(b), (c)
- 31 Last day to file Form 941 (*Quarterly Withholding Return*) with the IRS.

The calendar is provided by the Vermont League of Cities and Towns/Chittenden Bank.



In Memoriam: Town Clerk, Aileen O’Neil

Town Clerk, Aileen O’Neil, of Woodford passed away earlier this summer. Aileen served as town clerk for nearly 40 years and she was well loved by all who knew her. Not only did she love her job, but she also was blessed with a close and loving family, and it was very hard on her when her husband of over 50 years passed away last year.

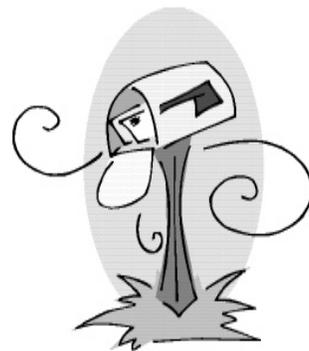
Aileen was very proud of her work as town clerk, and she was especially proud that she had been recognized by her colleagues around the state by being named Town Clerk of the Year in 2005. She will be missed by all of us.

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September 2006
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