

Opinions

Office of the Vermont Secretary of State



Vol. 9, #3

March 2007

A Message from the Secretary



The week of March 11th has been designated Sunshine Week. Sunshine Week was created by journalists to highlight the importance of the laws that guarantee the public's right to access government information. To

quote from the Sunshine Week website, "Sunshine Week seeks to enlighten and empower people to play an active role in their government at all levels, and to give them access to information that makes their lives better and their communities stronger."

It is important in a democracy for people to know what their government has done and, more importantly, why decisions have been made. Free access to government information enables the public to hold government leaders accountable, and it empowers individuals to learn about and participate in important policy decisions that affect them and their communities.

The laws that preserve the public's "right to know" are referred to in Vermont as the open meeting law and the access to public records law. These laws guarantee the public's (not just the media's) right to attend meetings of public bodies and to have access to the records of government. We offer some resources to help local officials understand their obligations under Vermont's sunshine laws. Our "Pocket Guide to Open Meetings" helps boards navigate the requirements of Vermont's open meeting law and our publication "A Matter of Public Record" explains the requirements of Vermont's access to public records laws. We also have an online searchable database on Vermont's access to public records law so that you can determine whether an exemption applies to a particular public records

request. <http://vermont-archives.org/records/access/index.htm>

One of the most difficult challenges for newly elected public officials is learning how to operate within the requirements of the open meeting law and public records act. It is hard not to talk about town business when you see a board member outside of a meeting, and it can be surprising to find that your e-mails to board members from your home computer are subject to public scrutiny. There is no question that it can be more difficult to get our jobs done as public officials when we have to operate under the sometimes harsh glare of public opinion. However, our forbearers were wise when they decided that open government would result in better government.

Deborah L. Markowitz, Secretary of State

In this Issue...

| | |
|---------------------------------------|--------|
| Voices From the Vault..... | pg. 2 |
| Quote of the Month..... | pg. 3 |
| Tip of the Month..... | pg. 3 |
| Opinions..... | pg. 4 |
| Civics Behind the Scenes..... | pg. 7 |
| Municipal Calendar..... | pg. 8 |
| After Town Meeting - A Checklist..... | pg. 11 |

Voices From the Vault

by Gregory Sanford

The Year of Good Cars and Open Meetings

In the mid-1960s, through a series of fortuitous events, I found myself in possession of a 1957 Thunderbird. Car aficionados and readers of a certain age will recall that classic two-seater with fondness. As a testosterone-laden eighteen year old I simply thought of the car as a potential babe-magnet. That potential was never realized since my head projected over the windshield. Consequently I would arrive to pick up my date with various insects embedded in my forehead. This, in the eyes of said dates, seemed to detract from whatever cache I was accorded because of the car.



These thoughts surfaced since I was recently wandering about in 1957. In my wanderings I came across two 1957 bills that addressed open meetings and the keeping of minutes of public meetings. Eventually combined and enacted, the new law marked the beginning of our modern open meeting and right to know laws. It is, as Sunshine Week approaches, appropriate to observe the 50th anniversary of Vermont's open meeting law.

Senate bill 35 of 1957 required that the meetings of all public agencies, including municipal government, should be open to the public. An exception was made for executive sessions, but no rules, regulations, appointments, etc., could be made in executive session. Anyone who violated the act could be fined up to \$500.

The bill noted that public agencies were created “to aid in the conduct of the people’s business” and were therefore accountable to the people under Article 6 of the Vermont constitution. Senator Fred Fayette, a proponent of the bill, further linked the bill to the constitutional requirement that the doors of the general assembly be open “for the admission of all persons who behave decently, except only when the welfare of the state may require them to be shut.” If that was the standard for the general assembly, why shouldn’t public agencies follow suit?

While the senate moved to open public meetings, the house, with House bill 141, sought to require that minutes be kept of all public meetings and made accessible. This, of course, warms an old archivist’s heart since the house clearly understood that records are evidence of government’s transactions and thus key instruments of accountability.

Despite their “good government” credentials, these bills faced opposition. Cy Godfrey of St. Albans felt the bills would “hamper local government” because people would be “shy if they thought that everything they said was to be printed.” Therefore people would be reluctant to serve on local committees and boards. Mr. Godfrey concluded with an aside that the “bill was introduced to increase the circulation of newspapers.”

On this point Mr. Godfrey had an interesting ally, Stuart Martin of Vermont’s own nascent television station, WCAX. Mr. Martin “believed in the principles of the bill” but suspected “it was introduced to increase [newspaper] circulation because he felt that at least in the State of Vermont we were already receiving cooperation from government agencies and that it was an unnecessary action.”

Allow me a digression. Not for the first time in these pages I regret the lack of time to more fully explore issues. In this case, why were the bills, which had overwhelming support from print journalists, seen as both unnecessary and as a ploy of competitors by WCAX? My guess is the answer lies in part in the state of television’s technology.

Quote of the Month

"When information which properly belongs to the public is systematically withheld by those in power, the people soon become ignorant of their own affairs, distrustful of those who manage them, and - eventually - incapable of determining their own destinies."

Pres. Richard Nixon, 1972

Cameras were less mobile; film was, well, film; and the lack of an inter-state isolated the Burlington-based WCAX. Not to mention that in 1957 we had not yet become culturally acclimated to television's intrusions or to lust after our Warholian fifteen minutes of fame. Reporters from local papers on the other hand only had to lug a note pad to the meetings to present a story. What a difference fifty years can make; now print journalism is at a disadvantage in covering fast breaking stories; digital cameras allow television to intrude itself almost anywhere; and we, the people, have become, if not more media savvy, at least more aggressive in the pursuit of media attention.

Okay, where was I? Mr. Martin was not alone in his suspicions of the print media. Mr. Wilson of Chelsea stated his sympathy with the bill "but felt the press should clean its own house before asking government agencies to open their doors and he did not think the abuses were as bad as the press made them sound." One wonders if this was former Governor Stanley Wilson of Chelsea who had his own issues with the press; the record does not say.

Most of the proponents were indeed from the print media with David Howe of the Burlington Free Press and the Rev. Edward Foster of the Catholic Tribune taking the lead. They and other speakers decried growing government secrecy at the federal and state levels. They carefully said they had no particular Vermont officials in mind (though throughout the hearings oblique references were made to particular offices that routinely resisted openness). The proponents conceded that "everyone at some time or other has had an axe to grind with newspapers." But they, argued, open government was not simply a concern of the press: it could aid public officials in avoiding missteps and was, at its core, the essence of democracy.

As Rev. Foster argued, "History shows that people may act in passion, ignorance, or even selfishness. But it shows likewise that there is no safer custodian of their liberty than the people themselves. Faith in democracy does not ignore human frailty, but it affirms that there is more to human nature than frailty." To that I can only add, "amen" and happy birthday to Vermont's open meeting laws.

Tip of the Month



Town Meeting Day provides a great opportunity to recognize new voters and new residents in your community. One town clerk reports that at her town meeting the moderator begins the meeting by asking all of the new voters to stand and be recognized. High school seniors who have turned 18 attend and are welcomed into the community as voting adults. In another town, the moderator asks all new residents to stand and be welcomed by the town meeting members. In yet another town (one that has a large number of vacation homes) second home owners are welcomed into town meeting, and although they do not participate in the votes, they are made to feel welcome to participate in the discussions that lead up to the votes.

If you have a tip you would like to share, please email it to Clyde Jenne, VMCTA President, at hartlandvtclerk@vermontel.net.

Opinions of Opinions

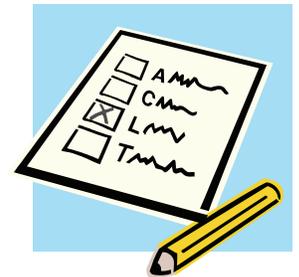


1. **Town gets 120 days to remit taxes to school district, even if not yet collected by the town.** 16 V.S.A. § 426 (b) provides that “within one hundred and twenty days after the date on which taxes become delinquent, but in no event later than the end of the school year, the treasurer shall deposit the balance of the sum of the gross school tax levy in the school account.” This means that even if taxpayers are delinquent, the school portion of those taxes must be remitted by the town to the school district. The town is responsible for collecting the delinquencies, and when it does so can keep the entire proceeds.

2. **Town treasurer must pay taxes to school as they come due.** One treasurer deposited the tax payments into the town account and left them there to accumulate interest for the town. The school district objected. According to 16 V.S.A. § 426, unless the school board and selectboard agree (in writing) otherwise, the treasurer must deposit school tax payments into the school account within 20 days after the date they become due and payable.

3. **School may not demand advance payment of taxes.** In one town the school district was having cash flow problems and asked the treasurer to front the district money to cover their expenses until the next tax due date. While it is permissible for the selectboard to agree to make an advanced payment to the school, the board is not required to advance the school district money. The school may always borrow money in anticipation of the taxes from a conventional lender. 16 V.S.A. § 563.

4. **Australian ballot is not a paper ballot.** People often confuse the terms “written ballot,” “paper ballot” and “Australian ballot.” A written ballot is a paper ballot vote used at a traditional school district or town meeting to elect certain officers as required by statute or when requested by at least seven voters. An Australian ballot vote refers to the practice of voting at designated polling places during designated polling hours (usually 7 a.m.-7 p.m.) with printed ballots that are available 20 days prior to the school district or town meeting for absentee voting.



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

6. **School officers (other than school directors) take office on July 1st.** Vermont law provides that “All school officers shall enter upon their duties on July 1, following their election or appointment.” 16 V.S.A. § 491. This same rule applies to union district officers except that moderators elected at an annual union district meeting assume office upon election. 16 V.S.A. § 706k. Union district officers serve a term of one year or until their successors are elected and qualified. The law also provides that school directors elected at an annual meeting shall assume office upon election and shall serve a term of three years or until their successors are elected and qualified. 16 V.S.A. §§ 423, 706k.

7. **Not every local official must get paid.** While some officers, like clerk, treasurer and tax collector, have fees set out by statute, Vermont law states that unless compensation is fixed by law or by vote of the town or town school district, local officials cannot demand payment for their services to the town. However, the law provides that if an official makes a request for payment the auditors must report the claim as well as the nature and extent of the services at town meeting. 24 V.S.A. § 931.

8. **Town or selectboard may set salary.** A town may vote to compensate any or all town officers for their official services. 24 V.S.A. § 932. However, when a town does not set a salary or stipend for an officer (or for town employees) the selectboard may fix the salary. Note that they may not set their own salary – but the selectboard’s salary can be fixed by the auditors at the time of the annual town audit. Or, if the town has voted to eliminate the office of auditor

and the voters fail to fix the compensation to be paid to members of the selectboard, selectboard members shall be compensated at the rate at which they were compensated during the immediately preceding year. 24 V.S.A. § 933.

9. **Clerk and treasurer may be paid fees.** Vermont law provides that the town clerk may keep all fees as compensation unless the town votes to pay a salary in lieu of fees. (Towns may also vote to pay a salary in addition to fees.) 32 V.S.A. §§ 1224, 1401. If a town votes a salary in lieu of fees, those fees are charged and collected by the clerk and at least quarterly turned over to the town treasurer and credited to the town general fund. The law also provides that town treasurers are allowed one per cent on all sums paid by the taxpayers to them, computed on actual cash receipts after deduction of discounts taken, unless the town by vote fixes their compensation otherwise. 32 V.S.A. § 1224.
10. **Clerk and treasurer set own hours.** When the town votes a salary for the clerk and treasurer, this salary is paid to the clerk and treasurer without respect to the hours worked or vacation time taken. It is up to each of these elected officials to set his or her own office hours and to determine appropriate vacation times. The clerk and treasurer are obligated to follow state law that requires them to ensure that the records of the town are available during reasonable business hours, and of course, if the voters don't believe these officers are working enough hours they can elect new people to serve in these offices. 32 V.S.A. § 1224, 24 V.S.A. § 1165.
11. **Selectboard must elect chair and set meeting.** At its first meeting following Annual Meeting the selectboard is required to elect a chair, a clerk (of the board), adopt rules of procedure (Roberts Rules for Small Boards, or any other rules, including ones made up by the board) and set the schedule for its regular meetings. The board should also decide how the agenda will be created. In some towns the chair does it on his or her own, but the best practice is to allow all members of the board a chance to add items to be discussed. At its organizational meeting the board must also appoint people to fill the offices of fence viewers (3), pound keeper, inspectors of lumber, shingles and wood, weighers of coal, and a tree warden. 24 V.S.A. § 871.
12. **Board may choose to rotate chair.** In one town no board member wished to serve as chair so the board agreed to rotate the position. There is no law that would prevent this, although it might make sense not to rotate the chair from meeting to meeting since this might be confusing for the public and for town officers and employees who have to work with the board.
13. **Vermont makes the town clerk responsible for preparation of town meeting minutes.** 24 V.S.A. § 1152. Even if the town clerk is not seeking re-election, it is the responsibility of the clerk whose term is ending to make a record of the town meeting. The record or minutes must be approved and attested to by any two of the following: moderator, selectboard or justices of the peace. The clerk shall request approval within seven days after each town meeting and his request shall be given prompt consideration.
14. **A petition signed by five percent of the legal voters of the town or school district can be submitted to request reconsideration of an article within 30 days following the town or school meeting.** 17 V.S.A. § 2661(b) If a proper petition is submitted in a timely manner, the legislative body (selectboard or school board) must schedule and warn a special meeting to be held not later than 60 days after receipt of the petition to vote on the requested article. Municipalities are therefore wise to avoid committing themselves to any contract until the 30 days for reconsideration has passed.
15. **No enforcement action can be brought for improper porch after 15 years.** One town discovered that a landowner built a porch in violation of the setback requirements in the district. Unfortunately for the town because the porch was added on to the house over 15 years prior to the discovery, a statute of limitations applied which prevented the town from bringing an enforcement action against the landowner for the illegal porch. 24 V.S.A. § 4454.



16. **Absentee ballots should be sent when there are votes to reconsider.** Although the law does not speak directly to requesting absentee ballots for reconsideration of an article by Australian ballot, we suggest that fairness dictates that the town clerk send absentee ballots for the reconsideration to all voters who had requested absentee ballots for town meeting. A reconsideration is really an extension of that town meeting, and we believe that absent voters should continue to participate.
17. **Elections of officers cannot be reconsidered.** While 17 V.S.A. §2661 provides a method for reconsideration of public questions, and budgets, the election of officers cannot be reconsidered by filing a petition with the legislative body. The only way to challenge or contest an election of an officer is by filing a petition with the appropriate Superior Court. (17 V.S.A. §2603) The statute sets out that you must allege either errors sufficient to change the outcome of the election, fraud in the process sufficient to change the result, or that for any other reason, the election is not valid.
18. **Articles that are “passed over” need new meeting for consideration.** Articles that are voted to be either “passed over” or “postponed indefinitely” cannot be raised at a special or annual meeting without a full warning of a new article. Likewise if an article is “tabled” it could be removed from the table during that meeting but it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. Voters rely on the warning to know what will be discussed.
19. **Voters may adjourn meeting to a later date.** If voters want to continue town meeting at a later date, it is generally best to make a motion to adjourn to a date and time certain so that the meeting does not need to be warned again. This motion can be used in the event of bad weather, other emergencies, or when the voters need more information that will be available at a later date.
20. **Union school must use paper ballot to dispense with Australian ballot.** Union school district law states that “the vote whether to use the Australian ballot and whether to commingle the ballots shall be taken by written ballot.” 16 V.S.A. § 711e(b). Generally, when the adoption of an article is prescribed to take place in a certain fashion, the reconsideration or rescission of the article is voted in the same manner. Accordingly, a vote to discontinue the use of Australian ballot would be by “written” or paper ballot. Note, however, that if the union high school district voted to adopt all public questions by Australian ballot in its previous vote, the vote on whether to discontinue the Australian ballot would be taken by Australian ballot, since it is a public question. 17 V.S.A. § 2680(d). (If the school district voted to adopt only the budget by Australian ballot, then the vote to discontinue must come at a traditional floor-type meeting.)

21. **Minutes only reflect names of voting board members when a roll call vote is requested.** Minutes of board meetings do not need to reflect which board members have voted in favor of or in opposition to a motion, unless a roll call vote is requested by a board member prior to the vote on the motion. 1 V.S.A. §312(b)(1)(D). If a roll call is requested, the public meeting law requires that the minutes indicate how each board member voted on the motion. If no roll call is requested so the minutes do not reflect the vote of individual members, it is still public information if a board member or other attendee of the meeting decides to tell someone how a particular board member voted. The voting was done in a public session, and there are no prohibitions to discussing how members voted. In fact, a board member’s voting record may be a factor for town voters in deciding whether to reelect a particular candidate.



22. **Reserve fund may be spent without new vote.** When the electorate has voted at a town meeting to establish a reserve fund, such as a highway capital reserve fund, the selectboard is authorized by statute to expend those funds for purchase of capital assets for the maintenance and improvement of highways and the selectboard does not need another article to approve each expenditure (so long as the expenditure is for the purposes for which the fund was established.) 24 V.S.A. §2804. If the selectboard wants to use the funds for some other purpose, then the board needs to warn an article for voter approval to use the funds for a different purpose.

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.

Civics Behind the Scenes

by Missy Shea, Voter Outreach and Civics Education Coordinator

Helping Teach Kids About Town Meeting

This time of year, we all have a stake in town business. Whether we are preparing reports and presentations for the annual town meeting, or worrying about whether the road commissioner will be reappointed, we know our efforts can help make a difference; our involvement can influence outcomes. As adults, we understand that participation by its citizens is the cornerstone of a functional democracy. But what are we doing to help our kids develop this same appreciation? Turns out, quite a bit.

In the last month, the Secretary of State's Office made a big push to get the word out about the civic education materials available here. We sent letters and emails to teachers, school librarians, and town clerks. We informed them about the educational, yet entertaining, booklets - three in the series for kids ranging from pre-school to high school. And we let them know they are free.



The response was overwhelming. Over 40 town clerks ordered kids books in addition to their annual copies of Moderator's Handbook and Citizen's Guide To Town Meeting. Hundreds of schools placed orders, too. We have sent out about 16,000 books since the beginning of the year, almost 3,000 just in the past week. That translates into thousands of Vermont kids knowing that March 6th isn't just another day of school vacation; it's the day that towns' citizens decide for themselves who their leaders will be, and how their money will be spent.

The Secretary of State's Office appreciates everyone involved in this collaborative effort. Together, we are helping our youngest citizens develop an understanding of the immense value of a democratic society. It is from this foundation that they will build their own participation as adults. Thank you for your contributing effort.

Attention - Justices of the Peace

This is a reminder that all Justices of the Peace need to renew their notary commissions. Vermont notary commissions expired on February 10, 2007. The notary application, provided by the Court Administrator, is now available online at <http://www.vermontjudiciary.org/efrms/Form%20004.pdf>. Fill out the application online, print it, take and subscribe the oath before a notary public and send the completed application to the county clerk in the county in which you reside. If you are an *ex-officio* notary public, no fee is required. If not, be sure to include the \$20 fee.

Need assistance? Contact Kathy Watters at (802) 828-2308/ kwatters@sec.state.vt.us.

Visit our Notary Resource page at <http://vermont-archives.org/notary/> for information on upcoming notary training events.

Municipal Calendar

MARCH 2007

March 1 (Thursday)

Town meeting warning must be published in newspaper by this date if town report has not been distributed otherwise (five days before the meeting). 17 V.S.A. § 2641(b)

Last day for town clerk to forward to the board of civil authority a list of voters added to the checklist (at least five days before town meeting). 17 § 2144b(d)

(Five days before Town Meeting) Treasurer must settle accounts with auditors. 24 V.S.A. § 1578

March 3 (Saturday)

Last day for the board of civil authority to designate pairs of justices of the peace, assuring a political balance in each pair, to deliver early or absentee ballots to ill and physically disabled voters (not later than three days prior to the election). 17 V.S.A. § 2538(a)

March 3-4-5

(On any of the three days immediately preceding the first Tuesday in March) Towns that have voted to do so may start town meeting and transact non-ballot related business. 17 V.S.A. § 2640(b), (c)

March 5 (Monday)

Voters, family members, authorized persons or health care providers may request early or absentee ballots until 5:00 p.m. or the closing of the town clerk's office on the day before the election. 17 V.S.A. § 2531(a) Clerks must make a list of all early or absentee voters available upon request at their office. 17 V.S.A. § 2534

Board of civil authority must appoint a presiding officer if the town clerk or other regular presiding officer is unable to preside at the Australian Ballot portion of town meeting or if more than one polling place is used. 17 V.S.A. § 2452

The presiding officer of each polling place must also post a copy of the warning and notice, sample ballots and the current checklist in a conspicuous place in each polling place before the polls open on election day. 17 V.S.A. § 2523(a) and (b)

The presiding officer shall make sure that signs informing voters of procedures for depositing ballots are placed on or near the ballot boxes before the polls open on election day. 17 V.S.A. § 2523(b)

Presiding officer must notify election officers of their hours and duties. 17 V.S.A. § 2455

Prior to the day of the election, board of civil authority must appoint assistant election officers for town meeting. 17 V.S.A. § 2454

Last day for legislative body to hold public informational hearing on any public question to be voted by Australian Ballot at town meeting. 17 V.S.A. § 2680(g)



March 6 (Tuesday)

TOWN MEETING DAY (First Tuesday in March). 1 V.S.A. § 371(a), 17 V.S.A. § 2640(a)

Towns using Australian Ballot must open polls no earlier than 5:00 a.m. and no later than 10:00 a.m. (opening hour set by Board of Civil Authority). Polls remain open until 7:00 p.m. 17 V.S.A. § 2561(a)

A meeting of the legal voters of each town shall be held annually on the first Tuesday in March unless the town charter changes the date or the voters have voted to begin on one of the three days preceding the Tuesday. 17 V.S.A. §§ 2631, 2640(a) and (b)

Clerks must make a list of all early or absentee voters available upon request in each polling place as soon as it opens. 17 V.S.A. § 2534

(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 V.S.A. § 2508

For those who became eligible to vote after the second Monday prior to town meeting and had notified the town clerk of intent to apply for addition to the checklist, the town clerk shall act on applications until polls are closed. 17 V.S.A. § 2144(b), (c)

Moderator opens business meeting at the time established by the legislative body (unless town voted otherwise at a preceding meeting). 17 V.S.A. § 2655, 2657

In towns using Australian Ballot, as soon as possible after the polls close, the presiding officer must examine entrance and exit checklists and prepare a statement of discrepancies. 17 V.S.A. § 2583(a)

In towns using Australian Ballot, presiding officer directs election officials in counting ballots. 17 V.S.A. § 2581, 2582

In towns using Australian Ballot, presiding officer must seal all ballots and exit checklist(s) and tally sheets. The entrance checklist should be safely stored so that the public cannot have access to it for a period of 90 days except under the direct supervision of the town clerk. 17 V.S.A. § 2583(a), 2590(a), 2689



(Immediately after vote is counted) Under the direction of the legislative body, the town clerk shall announce and post the results of any charter amendments. 17 V.S.A. § 2645(b)

March 7 (Wednesday)

(No later than 24 hours after polls closed) Presiding officer and one other election official shall transfer the totals from the summary sheets to the return and both sign the return. 17 V.S.A. § 2588

March 11 (Sunday)

(Within five days after town meeting) Town clerk must certify votes on financial actions to town treasurer and to the chair of the legislative body. 24 V.S.A. § 1167

March 12 (Monday)

(Within six days after town meeting) Town clerk is to report to the Director of Property Valuation and Review on method adopted at town meeting for collection of taxes. 32 V.S.A. § 5167

March 13 (Tuesday)

Last day for selectboard or town clerk to warn a run-off election if there was a tie vote for any Australian ballot race at town meeting (within seven days after election). 17 V.S.A. § 2682(e)

March 16 (Friday)

Last day for a losing candidate for local office in a municipality using the Australian ballot system of voting to request a recount (within 10 days after the election). 17 V.S.A. § 2683(a)

Deadline for a voter to file a request for a recount with the town clerk of any issue voted by Australian Ballot (within 10 days after the election). 17 V.S.A. § 2688

Last day for a local candidate who has made expenditures or accepted contributions of \$500 or more to file a campaign finance report with the town clerk. 17 V.S.A. § 2822

(Within 10 days after town meeting) Last day for town clerk to certify to the Secretary of State facts of origin and procedure followed for each municipal charter amendment proposed. Clerk shall also certify the result of any vote required before an act of the general assembly takes effect. 17 V.S.A. § 2663, 2645(b)

March 21 (Wednesday)

Last day that a legal voter may contest the local election results from the town meeting (within 15 days after the election). 17 V.S.A. § 2603(c)

(Within 15 days after an election) Last day a voter may contest results of town meeting Australian Ballot vote. 17 V.S.A. § 2603(c)

March 22 (Thursday)

First day a run-off election may be held (15 days after the warning of the run-off election). 17 V.S.A. § 2682(e)

APRIL 2007

April 1 (Sunday)

Last day for dog or wolf-hybrid licensing. 20:3581(a)

Base date for setting appraisal value and determining ownership of real and personal property. 32:3482, 9610

Last day for town clerk to furnish listers with transfer book for preceding 12-month period. 32:3485(a)

April 4 (Wednesday)

Last day a run-off election may be held (twenty-two days after warning; warning within seven days after election). 17 V.S.A. § 2682(e)

April 5 (Thursday)

Last day for voters to file petitions for reconsideration or rescission of articles voted on at town meeting (within 30 days of the meeting). 17 V.S.A. § 2661(b)

April 15 (Sunday)

Last day for U.S. congressional candidates to file FEC quarterly reports for the April quarter (Jan. 1-Mar. 30). 2 U.S.C. § 434(a)(2)

Last day for legislative body to notify Commissioner of Social Welfare of appointment of Town Service Officer. 33:2102(a)

April 20 (Friday)

Last day for return of property inventories to Listers. 32:4004

April 25 (Wednesday)

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

April 30 (Monday)

Last day for Listers to receive applications for tax exemption due to disabled veteran status. 32:3802(11)

Last day to file Form 941 (Quarterly Withholding Return) with the IRS.



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

After Town Meeting: A Checklist

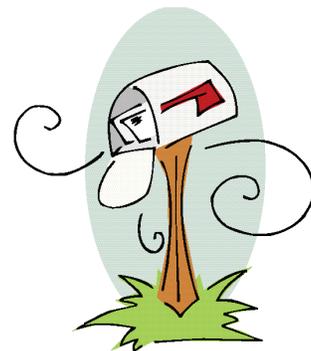
1. **FINISH THE MINUTES**: The town clerk is obliged to prepare the minutes of town meeting and have them approved by two people from among the following officers-selectboard member, moderator, or justices of the peace. This must be done within seven days of the meeting. 24 V.S.A. § 1152.
2. **GET ORGANIZED**: “Forthwith,” the statute announces, the selectboard must meet, elect a chair, a clerk (of the board), and let the town clerk know your decision. At this meeting, you will also need to appoint three fence viewers; a poundkeeper; inspectors of lumber, shingles and wood; weighers of coal; and a tree warden. 24 V.S.A. § 871. The same process should be followed by any board, including auditors, listers, the board of civil authority, the board for abatement of taxes, planning commission, and zoning board of adjustment, and any others. Take up the issue at your first meeting, elect a chair, set your regular meeting schedule and let the town clerk know about it.
3. **SETTLE**: Immediately after town meeting, if not before, auditors need to “settle” with former town officers. If a new delinquent tax collector has been elected, for instance, the former collector must pay over all funds collected to date and make a complete accounting of the taxes still owed. 24 V.S.A. § 1578. All papers in the collector’s hands are also to be turned over to the successor collector.
4. **GET SWORN**: Town clerks, select board members, constables, listers, grand jurors and fence viewers and the school board must be sworn in before taking office. 24 V.S.A. § 831. See the town clerk for forms, or look at the oath in Chapter II, Section 56 of the Vermont Constitution, in the first volume of Vermont Reports.
5. **GET BONDED**: School directors, constables, road commissioners, collectors of taxes, treasurers, and town clerk must be bonded before taking office. 24 V.S.A. § 832. The selectboard sets the amount. This is usually done through your insurance company. The town or school district pays for the bonds, not the officers. 24 V.S.A. § 835.
6. **TELL WHO WAS ELECTED**: Newly elected town clerks must file the certificate of their election with the county clerk, signed by the moderator of the meeting, within five days of the election. File a copy of your oath of office as well. 24 V.S.A. § 1151. The clerk should also write the state treasurer to tell him the name of the new town treasurer. 24 V.S.A. § 1166. Actually, this must be done before July 1, but why not do it now and get it out of the way? Within five days of town meeting, the clerk should also send each lister’s name, mailing address, and length of term to the commissioner of taxes. 24 V.S.A. § 1168. Send the name and address of the constable to the county clerk. 24 V.S.A. § 1169.
7. **APPOINT ASSISTANTS**: Town clerks and treasurers must have assistants. They should be appointed by the clerk and treasurer following the beginning of each new term, and the appointment recorded. 24 V.S.A. §§ 1170, 1573. Send the county clerk a copy of the appointment of the assistant town clerk and of the assistant’s subscribed oath. 24 V.S.A. § 1172.
8. **LEARN THE OPEN MEETING AND PUBLIC RECORDS LAWS**: Read them. They are found back to back in the first volume of the Vermont Statutes Annotated, at 1 V.S.A. §§ 310-320. Everything is open unless you can find a reason to close it in these laws. Don’t meet with a quorum of your board without public notice. That’s against the law. See the *Pocket Guide To The Open Meetings Law* as well as our publication *A Matter of Public Record: A Guide to Vermont’s Public Records Law* on our website for details.
9. **LEARN HOW TO DEAL WITH THE PUBLIC**: You are a public officer. That means you are available to help, answer questions, find official paperwork, and anything else people ask of you. There are limits, of course. You don’t need to be abused. But as long as the public remains civil, you should try to help.
10. **LEARN HOW TO ASK FOR HELP**: Everybody helps everybody in Vermont. Call those who held the office before you. Call those who hold the same office but in another town. Call us. Call the League of Cities and Towns. Call state offices. There’s no reason not to ask for help. Everything is complicated at first.

Mailing List Updates!

Help us keep our mailing list up to date!

Let us know if:

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



Send us a note via fax: 802-828-2496,
email: gcolbert@sec.state.vt.us,
or post: 26 Terrace St., Montpelier, VT 05609-1101.

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

Thank you for helping us keep Opinions running efficiently!

RETURN SERVICE REQUESTED

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

Office of the Vermont Secretary of State
March 2007

Opinions

PRSR1 STD
U.S. Postage Paid
PERMIT NO. 147
MONTPELIER, VT
05609-1101