



Opinions

Office of the Vermont Secretary of State

Vol. 12, #11

December 2010

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Quote of the Month

Advice is like snow - the softer it falls, the longer it dwells upon, and the deeper it sinks into the mind.

....Samuel Taylor Coleridge

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A Message from the Secretary

This past month has been bittersweet for me. While I am excited about the new challenges ahead, I am also sad about leaving an office I have loved these past 12 years.



I am reminded of the saying “the best things in life, aren’t things.” While I have enjoyed the work of the office - helping Vermonters start and expand businesses, supporting our local officials, protecting Vermonters from incompetent professionals - the best part of serving as Secretary of State has been people I have gotten to know in the office and across Vermont.

I would like to invite all of you to attend a farewell open house at the Secretary of State's Office at 26 Terrace Street, Montpelier, on Thursday, December 16 from 4:00 to 7:00 p.m.



We will have a speaking program at 6:00 p.m. I would love to have the opportunity to express my appreciation for your support over my tenure.

Please RSVP to Ginny Colbert at 802-828-2148 or gcolbert@sec.state.vt.us.
I hope to see you there!

Deborah L. Markowitz, Secretary of State

Voice from the Vault

by Gregory Sanford, State Archivist

Archival Management: Alchemy or Science?

Once upon a time, alchemy and chemistry used to hang out together. Even after the publication of Robert Boyle's *The Sceptical Chymist* in 1661, which distinguished chemistry from alchemy, some folks continued to conflate the two. Hennig Brand, for example, wobbled between alchemy and chemistry, believing he could convert human urine into gold. In 1675 he procured fifty buckets of urine and, after a series of experiments, produced first a noxious paste and then a translucent waxy substance. The waxy substance tended to either glow or to burst into flame when exposed to air. Hennig had discovered phosphorus (a name derived from Greek and Latin and meaning "light bearing").

While the commercial potential for phosphorous was quickly recognized, acquiring the necessary raw material in bulk was a challenge. Soldiers were enlisted to create a sufficient production stream, but the process was less than ideal. Finally in the 1750s the noted Swedish chemist Karl Scheele discovered a means of production that did not involve urine.*



All of which reminds me of various professional discussions on whether archival management is a science, practice, or what? Certainly some of our allied professions self-describe themselves as sciences and one can get a degree in library and/or information "science." European archivists are more comfortable in calling our profession "archival science" than practitioners in the U.S., Canada, or Australia.

I asked several colleagues for their thoughts and most expressed reservations about "archival science." Canadian archivist Terry Cook responded, "While two atoms of hydrogen and one of oxygen under the same physical conditions at any place on earth at any time will produce one molecule of water, two records creators, one function, and the need to record evidence of some identical task or transaction in different countries in different centuries will never produce the same archival record."

Dr. Cook's observation is correct when reviewing past, and most current, archival practice, which often smacks more of alchemy than science. That is in itself important to know; from creation to appraisal to description there is constant, and often idiosyncratic, intervention in a record's life. As a researcher you are at risk if you assume that the records held in archives always got there as the result of a systematic, scientific process and are therefore pure representations of "the truth."

Closer to home, actually just down the hall from my office, Tanya Marshall had a different answer based on her work analyzing Vermont government records—yes, there is, or at least could be, archival science. Tanya and the record analysts are systematically studying record creation and breaking our public records down to their basic elements or facets. A facet can be a record type, a legal requirement, an activity, a creating entity, a function, a domain, etc. For a fuller explanation of the classification system go to <http://vermont-archives.org/records/vclas/index.htm>.

The accuracy of facets can be tested through observation. For example, if licensing has been accurately defined as an activity you should find the same types of records in all licensing activities, whether you are licensing an attorney or a massage therapist. The process will always begin with an application and end with a decision. Within this it is important to adhere to consistent definitions; for example, you need to be able to distinguish between the activity “licensing” and the activity “permitting.”

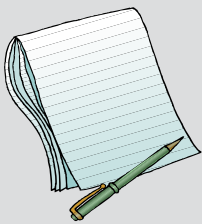
This approach allows a more systematic view of records and the processes that produce them across government. In turn that provides a structured platform to compare and evaluate business practices and information flows within government. This, in theory, could aid government restructuring/re-thinking exercises. Too often, however, these efforts border on alchemy, believing that by simply changing one process in isolation or by adding more information technology government will magically be transformed into a gold standard of efficiency and effectiveness.

The analysts’ systematic deconstruction of records into base elements also allows government officials, researchers, and others more flexibility. Traditional practice is to create an inventory or finding aid focused on distinct record series, often described without a larger understanding of legal, administrative and functional contexts associated with the records. That may work, to continue our example, if you simply want to know about a specific licensed architect. It does not work if you want a broader examination of government’s licensing activities: what do we license, why, and how, for example. Under the analysts’ system people can experiment with combining different facets to create new or broader views of information.

This all may be more than the casual reader wants to know about archival management, though it is important for everyone to understand that archival management is, indeed, management. This does not answer whether archival management can be more science than alchemy. Tanya’s conceptual model may provide an answer; at a minimum you’re in luck since her work will turn the dross of public records into, if not into gold, at least something that is light bearing.

*The story of Hennig Brand is recounted in Bill Bryson’s *A Short History of Nearly Everything*.

Tip of the Month



Temporary Officiant Authorizations

The Health Department has recommended to town clerks that they file the temporary officiant permits with the court orders (whether chronologically or alphabetically is up to them, depending on their town’s volume). The reason they recommend this is that filing them with the marriage certificate causes problems since the form is not the same size as the certificates. If they staple the form to the certificate, eventually the certificate may rip or get torn since it will probably be retrieved and copied multiple times over the years. If you have questions, please contact Richard H. McCoy, Public Health Statistics Chief, Vermont Department of Health at 802-651-1862 or richard.mccoy@ahs.state.vt.us

If you have a tip to share, contact Alison Kaiser at akaiser@townofstowe.vermont.org

Opinions of *Opinions*

by Secretary of State Deb Markowitz

1. Salaried official must be paid upon request. Most towns vote to pay some of its officers an hourly rate, (with a maximum total) and others a salary. Salaried officials are entitled to the entire salary that has been voted in the budget. Note also that when an official is voted a salary at town meeting, there is no rule addressing how that individual is to be paid. In theory, a clerk, treasurer, constable or other elected official who is voted a salary could demand payment of the entire year's salary at the start of the new fiscal year. That is because a salary is not related to the hourly work of an official - and if it is voted by the electorate, the town is obligated to pay the full amount on demand.

2. The clerk is not the clerk of the selectboard. There is no statutory requirement that the town clerk be the clerk of the selectboard, however, some clerks take the minutes of the board's meetings. In many towns the selectboard hires another person to take the minutes of its meetings.

3. The selectboard may not set hours for town clerk. Because the clerk is an independently elected official, the clerk sets his/her own hours, deciding what he or she believes will best serve the people of the town. No law would permit the selectboard to compel the town clerk to work a specific number of hours per week or specific times during the week. Usually the selectboard budget contains a recommendation for the clerk's compensation. That compensation obviously influences the amount of hours worked by the clerk, but the clerk determines what those hours are.

4. Voters may not adopt ordinance. Vermont law does not give the voters the power to petition for the adoption of an ordinance. However, although Vermont law permits voters to disapprove of an ordinance adopted by the board, it does not permit voters to initiate an ordinance by petition. 24 V.S.A. § 1972 provides that the select board adopts town ordinances, and gives voters forty-four days to petition the board for a vote on whether to disapprove the ordinance. If the ordinance is disapproved by the voters, it does not go into effect. Voters who want to see a particular regulation in place must convince the selectboard that it is in the best interest of the town. The only exception to this rule is conflict of interest ordinances. Voters may propose, by petition, an ordinance governing the ethics of board members and other local officials.

5. A board may only go into executive session upon a motion and vote. An executive session is a closed meeting within a public meeting. Boards cannot enter executive session without first meeting in public session and then voting to close the meeting, and then only for very specific reasons. A majority of the members of a local board (a two-thirds majority of a state board) must agree to enter for the reasons stated. This motion and vote must then be included in the minutes of the meeting, making a permanent record of the session and its reasons. No action may be taken in executive session.



6. Justice of the peace terms begin February 1st. Although justices of the peace have been elected in November, the term of office for the newly elected JPs does not begin until February 1. A person elected as a JP can take the oath and return the oath of office to the town clerk at any time after receipt of the Certificate of Election, but the person cannot perform any duties of a JP until February 1.

7. Oath of Office. A justice of the peace is not fully qualified to serve until he or she has taken the oath of office and the oath of allegiance and has filed a notarized copy of those oaths with the town clerk. The Secretary of State provides copies of these oath forms to every newly elected justice. 4 V.S.A. § 491. (In January we will be mailing JP handbooks and oath forms to newly elected justices. The guide and forms can also be obtained from our website www.sec.state.vt.us.)

8. Governor appoints to fill JP vacancies. The governor may appoint a successor whenever a vacancy occurs in the office of justice of the peace. A vacancy can occur by resignation, death, and insanity. A vacancy can also occur when the

JP moves to another state. Moving to another Vermont town in Vermont does not create a vacancy. In most cases, however, a justice will resign when he or she leaves town. Governors usually appoint a member of the party of the former justice of the peace to fill the vacancy - although not always the person recommended by the party. 17 V.S.A. § 2623.



9. A justice of the peace who performs duties before filing a copy of his or her oath may be fined. Under 4 V.S.A. § 491, a justice must file a copy of his or her oath with the town clerk's office before performing his or her formal duties. Because the term of office begins on February 1, a justice of the peace can deliver the oath copy any time after February 1, as long as no official duties have been performed prior to filing the copy with the town clerk's office. There is no automatic fine if a justice fails to file the oath. It is only when a justice willfully neglects to file the oath copy with the town clerk that he or she may be fined not more than \$100, and then only after a prosecution is brought by the attorney general or the district attorney.

10. Only clerk or assistant may record or certify documents on behalf of the town. By law, there are certain duties that must be fulfilled by the town clerk. However, the law recognizes that the clerk may require some assistance in the performance of his or her duties. Accordingly, 24 V.S.A. § 1170 and 1171 permits the clerk to appoint one or more assistants who are specifically authorized to perform the recording and filing duties of the clerk, to issue licenses and certified copies of record and to perform all other duties of the clerk in his or her absence. Note that implicit in this statute is the understanding that someone who is not appointed or sworn as an assistant town clerk may not perform these functions.

11. Town can require landowners to connect to sewer system. When a town or city extends its sewer system, it can adopt an ordinance to require all adjacent property owners to connect to the public system and abandon private septic systems. 24 V.S.A. § 3509. The Sewage commissioners may require that the owners of buildings, subdivisions or developments abutting a public street be connected to the municipal sewage system.

12. Water and sewer delinquencies can be collected either by the delinquent tax collector or by disconnecting service. Municipalities with water and sewer systems may choose to collect delinquent payments in the same manner as their delinquent taxes are collected or by using the Uniform Water Disconnect statute. 24 V.S.A. § 3504, 5141 et seq. If collected as a tax, the town or city's delinquent tax collector may bring a tax sale to collect the amount owed. Often the water/sewer charge is collected along with any delinquent taxes owed on the property. In the alternative, the municipality can shut off the water if a person fails to pay their charges. This is a more complicated process, and provides the resident an opportunity to appeal a decision to shut off water.

13. Interest on delinquent water or sewer payments may only be charged after vote. Water or sewer commissioners in a town can charge interest on delinquent payments for water and/or sewer ONLY if the voters of the municipality have approved an article in the warning to collect interest on overdue taxes in the town. 24 V.S.A. § 5151 and 32 V.S.A. § 5136. The article stays in effect until voted otherwise at a subsequent meeting. Similarly, the trustees or prudential committee of a fire district or water district must place an article on the warning for voters to collect interest on overdue payments for water and sewer before interest can be collected.

14. Town treasurer should not make out checks without warrant signed by the board. In one town the selectboard asked the treasurer to bring already filled out checks to the selectboard meeting prior to the board's approval of the individual expenditures. 24 V.S.A. § 1576. The treasurer was correct to decline. Indeed, Vermont law only permits the treasurer to make payments based on properly signed orders of the board or based on certified minutes of the board, signed by both the board's clerk and chair or by a majority of the board, clearly setting out the amount, and to whom payment is to be made. 24 V.S.A. § 1623.

15. Selectboard may authorize one or more members to draw orders without meeting. Sometimes a board needs to pay bills between meetings. In this case the board can, by vote, authorize one or more of its members to sign

orders. The orders must be very specific, and a report must be given to the board so the entire board can know what was paid. 24 V.S.A. § 1623.

16. Selectboard may acquire land for conservation or to strengthen local business. Vermont law permits the legislative body to acquire property or accept land donated for a number of purposes, some of which are set out in 10 V.S.A. § 6301. These purposes include encouraging and assisting the maintenance of present uses of agricultural, forest and other undeveloped land, and to prevent the acceleration of residential and commercial development. It also includes preserving scenic natural resources; strengthening the base of the recreation industry and increasing employment, income, business, and investment; and planning for orderly growth.

17. Open government laws apply to RDCs. A regional development corporation approved by the commissioner of commerce and community development is subject to Vermont's open meeting and public record laws. 1 V.S.A. § 310 et seq. Vermont law does, however, provide a special exemption to allow regional development corporations to meet in executive session to consider proposed transactions or agreements in "furtherance of development purposes." 24 V.S.A. § 2786. This allows the corporations to meet privately with potential developers to discuss opportunities for establishing operations up until a contract or agreement is signed.



18. Board may rule that committee executive sessions may exclude non-committee members. When a board sets up committees the open meeting law will apply to the meetings of the committee. 1 V.S.A. § 312. Committees may go into executive session where appropriate. The law does not directly address whether a committee may exclude members of the board from its executive session. However, the board has the authority to establish its own rules or policies about who may attend committee executive sessions. It may be particularly important to have a clearly defined rule for large boards that have personnel committees that conduct employee evaluations. The law would permit a board to decide that only members of that particular committee may attend an executive session, or conversely, that any board member may attend.

19. Board member who discloses confidential information cannot be kept from executive session. The law governing executive sessions does not require board members to keep the discussions confidential – although this is certainly best practice. Consequently, there is no authority to keep any board member out of an executive session – even if that board member breaches confidentiality. Note that where a board member has breached confidentiality – particularly in a personnel matter - it may be wise to ask the board's attorney to send that board member a letter explaining the potential liability the municipality could face as the result of the breach.

20. Non voting ex-officio members of planning commissions do not count toward quorum requirement. The selectboard may serve as non-voting, ex-officio members of the planning commission. 24 V.S.A. § 4322. Although they can be part of the board, they do not vote. This means that their number will not count when factoring the numbers necessary to be present to form a quorum, and their presence will not count toward that quorum. Accordingly, in a board that has seven appointed (or elected) commissioners and five non-voting (selectboard) members, whenever there are four voting commissioners present there is a quorum. (For general guidance on how to treat ex-officio board members see, Roberts Rules of Order, § 48.)

21. Minutes of meetings must be available within five days. The open meeting law requires that minutes be taken at all public meetings. 1 V.S.A. § 312. This requirement applies to all public bodies – which not only includes the elected or appointed board itself, but any committees of the board. 1 V.S.A. § 310(3). Minutes of public meeting must be made available to members of the public within 5 days of the meeting, even if they are only in draft form.

22. Formal approval of minutes not required by law. One town was concerned that minutes of a prior meeting were not ever approved because the new board members did not want to approve minutes of the prior board meeting

which they had not participated. While it is good practice to approve the minutes of the previous meeting of a board, Vermont law does not require this approval. Approval of minutes will give the minutes a greater presumption of accuracy if at a later date the minutes are needed to prove legal action of the town. However, failure to have approval will not, alone, call into question the legality of the board's decisions.

23. Minutes of meetings are not transcripts. Vermont law requires minutes to be kept of all public meetings. The minutes are the legal record of the action taken at the meeting. Accordingly, the minutes must note all topics and motions that arise at the meeting. At a minimum the law requires the minutes to list all “members of the public body present; all other active participants in the meeting, all motions, proposals and resolutions made, offered and considered, and what disposition is made of same; and the results of any votes, with a record of the individual vote of each member if a roll call is taken.” 1 V.S.A. § 312(b). The minutes should not be a transcript of the meeting or reflect what was said by individuals in discussion because this often causes confusion and disagreement and it is not required for the legal record.

24. Minutes of meetings do not need to be posted. The law does not require minutes of meetings to be posted in the municipality. Rather, minutes must be available to the public on request within five working days of the meeting. 1 V.S.A. § 312.

25. Town can hold annual meeting in neighboring municipality. No law requires town meeting to be held within the town boundaries. On occasion a town will move its meeting to a neighboring community because it needed a larger space or a facility that was accessible to people with disabilities.

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.

2010 Democracy Awards

Please join Vermont Secretary of State Deb Markowitz in honoring those Vermont citizens who have demonstrated a strong commitment to promoting the tenets of democracy.

Tuesday, December 21, 2010, 3:30 to 5:00 p.m.
Vermont State House - Cedar Creek Room, Montpelier, Vermont

* * *

Please RSVP to Ginny Colbert, 802-828-2148 or gcolbert@sec.state.vt.us
by Thursday, December 16, 2010.

National Association of Secretaries of State Medallion Awards

Frank Bryan, University of Vermont
For his commitment to preserving Vermont's town meeting tradition

Burlington Free Press
For extraordinary coverage of Vermont's 2010 general election

John Cushing, Milton Town Clerk/Treasurer
For his 40 plus years of service and leadership in Vermont

Vermont Secretary of State Enduring Democracy Awards

**Ellie Beckett, Katherine Levasseur,
Courtney Mattison**
Student interns—for their commitment to the successful passage of Proposition 5

Susan Clark, Middlesex Moderator
For her commitment to enhancing local democracy in Vermont

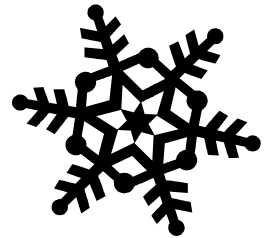
Holiday Displays and Municipal Property



Now that we have passed through Vermont's biggest holiday season—hunting season—the rest of the holidays will soon be upon us. We expect calls from the public or from public officials in Vermont asking about the guidelines for holiday displays on municipal property. Although there has been a considerable amount of litigation about holiday displays on public property, the longstanding public officials among us will remember that there are no hard and fast “rules” that give a straightforward answer to most of the questions regarding holiday displays.

Vermont has had at least two federal cases involving challenges to religious displays on public property. In 1988, the trustees of the village of Hyde Park settled a challenge by agreeing to no longer place a cross on the Hyde Park Court House lawn. In 1989, the second circuit court of appeals held that based upon the specific facts of the case, the display of the menorah in City Hall Park in Burlington would violate the Establishment Clause of the First Amendment.

A more recent 1997 second circuit case, *Elewski vs. the City of Syracuse*, held that the challenged placement of a crèche in a public park along with a menorah in a nearby public park and other secular decorations throughout town was not unconstitutional and did not violate the separation of church and state required by the first amendment. This court went through a detailed description of the cultural, social, and economic motivations of the downtown merchants and city officials in its analysis.



What do we learn from these cases? First, and foremost, the definitive U.S. Supreme Court case, *County of Allegheny vs. ACLU* (relied upon by lower courts to decide challenges to displays on public property), makes it clear that any decision will be extremely fact specific and the outcome will depend on the presentation of the various facts to the judge. In fact, in *Allegheny*, the Supreme Court justices wrote five separate opinions joined in whole or part by various members of the court because the nine justices drew different conclusions based on the facts as presented.



After the *Allegheny* decision, the judge hearing a challenge to a display must determine: “Would a reasonable observer of the challenged display in its particular factual context perceive a message of governmental endorsement or sponsorship of religion?” This endorsement test focuses upon the perception of a reasonable, informed observer who must be deemed aware of the history and context of the community and forum in which the religious display appears. Therefore, after *Allegheny*, not every city-owned and/or displayed crèche or menorah violates the Establishment Clause. The issue is now, would a reasonably informed observer perceive the display as a message of endorsement of a religion or perceive the displays as a celebration of the diversity of the holiday season.

In a nutshell, we believe that if municipal officials wish to permit holiday displays on public property, the physical display(s) itself and all of the historical and cultural facts surrounding the placement of the display(s) must support the conclusions that the display(s) are a celebration of the diversity of the holiday and not an endorsement of a religion.

Civics Behind the Scenes

by Olivia Gay, Civic Education and Voter Outreach Coordinator

2010 MOCK ELECTION RESULTS

Thanks to teachers and administrators in both private and public schools, Vermont students again used the Secretary of State's materials to hold mock elections across the state. Mirroring the general trend of less turnout for mid-term elections, many fewer schools and towns participated than during the presidential election of 2008. However, those that did participate found it to be a useful and empowering exercise. The student interns in the Civics Education office ran a mock election at their own Montpelier High School. Commenting on her experience at MHS, intern Meghan Wingate observed, "The mock election was a huge success. These elections really help students practice exercising their right to vote and often predict the town's outcome. We had a large number of the student body voting, and everyone really enjoyed participating."



For results from schools reporting in various races, as well as final voting percentages for the major races, check out the 2010 Mock Election Results on our website at http://www.sec.state.vt.us/kids/vtvotes/2010_Mock_Election_Results.pdf

Here are some of the results from the mock elections:

Unlike the adult voters, students favored Republican Brian Dubie in the governor's race with Dubie receiving 50 percent of the vote and Democrat Peter Shumlin garnering 36 percent. In the lieutenant governor's race, Republican Phil Scott beat Democrat Steve Howard with 43 percent of the vote to Howard's 34 percent.

Democrat Patrick Leahy was the favorite for the Senate, receiving approximately 54 percent of the students' vote to 22 percent for Republican Len Britton. In the House race, Democrat Peter Welch was the clear winner with about 61 percent of the vote. Republican Paul Beaudry received 26 percent.

In other statewide races, Jim Condos edged out Jason Gibbs with 48 percent to Gibbs' 44 percent in the Secretary of State's race. Incumbents Jeb Spaulding, Tom Salmon and Bill Sorrell also won. Not surprisingly, students overwhelmingly endorsed the constitutional amendment to allow 17-year-olds to vote in the primary election if they will be 18 for the general election, with over 85 percent voting yes.

Vermont Votes for Kids is a non-profit, non-partisan organization designed to increase voter turnout and create a better-informed electorate. For more information about Vermont Votes for Kids or with questions about this year's mock election visit www.VermontVotesForKids.com or contact Olivia Gay at 802-828-1296.

Upcoming Events

Preparing for A Successful Town Meeting

December 15, 2010

Sponsored by VLCT Municipal Assistance Center

Location: Capitol Plaza Hotel, 100 State Street, Montpelier
Time: 8:30 am
Contact: Jessica Hill (info@vlct.org)
Phone: 802-229-9111
Fax: 802-229-2211
Web site: http://www.vlct.org/d/eventcalendar/workshops/web_Successful_Town_Meeting10.pdf
Price: \$55 VLCT PACIF members, \$80 VLCT Members, \$125 Non-members

Town meeting is a wonderful celebration of democracy, local control, and community, but it can also be stressful for town officials who are responsible for making sure that its many procedural requirements are completed correctly. Designed to assist local officials in conducting a great town meeting, this workshop will cover town meeting preparation from the planning stages through the meeting and beyond. It's designed for all local officials involved in their annual meeting. Municipal clerks, moderators, selectboard members, town and city managers, and town administrators are all encouraged to attend.

Registration/Cancellation deadline is December 8, 2010. Registrations received (either by mail or on-line) after this date should include an extra \$10.00 per person.

Local Government Day in the Legislature

February 16, 2011

Sponsored by VLCT and Vermont Municipal Clerks & Treasurers Assoc.

Location: Capitol Plaza Hotel, 100 State Street, Montpelier
Contact: Jessica Hill (jhill@vlct.org)
Phone: 802-229-9111
Fax: 802-229-2211
Price: tba

A special day at the Vermont State House for local officials to hear about the status of pending legislation from VLCT and Vermont Municipal Clerks' and Treasurers' Association representatives, attend legislative hearings and speak with their representatives and senators at the Vermont Legislature.

Town Meeting Tune-Up

February 23, 2011

Sponsored by VLCT Municipal Assistance Center

Location: Montpelier Elks Lodge
Time: 8:30 am
Contact: Jessica Hill (jhill@vlct.org)
Phone: 802-229-9111
Fax: 802-229-2211
Price: \$55. VLCT PACIF, \$80. VLCT Members, \$125. Non-members

A parliamentarian's paradise, this annual workshop is designed for moderators and selectboard members, both seasoned and new. It focuses on the statutory requirements for town meeting, Robert's Rules of Order, and best practices for making it through Town Meeting unscathed.

Elections Calendar

DECEMBER 2010

2 - Last day for U.S. Congressional candidates to file FEC 30-day post-general reports (Oct. 20-Nov. 28), 2 U.S.C. § 434(a)(2)

15 - Deadline for filing post election campaign finance reports with the Secretary of State by candidates for statewide office, state senator, state representative, political committees, and political parties who have expended or received \$500.00 or more.

15 - Deadline for filing forty-day post election campaign finance reports by county office candidates who have made expenditures or received contributions of \$500.00 or more. County candidates (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace) shall file with the county clerk with whom his or her nomination papers were filed. Copies of these reports must be forwarded by the county clerks to the secretary of state within five days of receipt. 17 V.S.A. §§ 2811, 2821(c), 2831

If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17 V.S.A. § 2103(13) Candidates for the state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

**For additional information, visit the Elections Division's website at
<http://vermont-elections.org/soshome.htm>**

Is Your Business A Century Old? If yes, then the Secretary of State is looking for you!



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

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

In 2011 we will be presenting awards to the Vermont businesses that will reach their centennial, as well as honoring up to 20 of Vermont's older businesses. Every centennial business that applies to participate will be recognized.

If you know of a business that qualifies for the Centennial Business Award, contact the Secretary of State's office at 802-828-2148 for an application, or visit our website at www.sec.state.vt.us. The application deadline is **January 14, 2011**.



*2009 recipients included (L to R) Noyle and Johnson Insurance, Dente's Market, and Paquet Farm.
(Photos courtesy of Vermont Business Magazine).*

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!



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December 2010

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