

# Opinions

Office of the Vermont Secretary of State



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## A Message from the Secretary

If warnings are any indication, March Town Meeting is due to be somewhat sleepy this year. There are few contested races for office, and few petitioned articles beyond payments to social service agencies and the scattered requests to consider moving to Australian Ballot voting.

But the warning is not everything. There are many in Montpelier who watch with interest every year to see how our schools will fare. Will budgets pass or be voted down? This vote sends a message that informs the legislature's school funding decisions and education policy. Your legislators will be attending your meetings to hear what is on your mind. Should we ban computerized voting in Vermont? Should we prohibit use of tax appraisal information for commercial purposes? Should we pass a constitutional amendment making the constitutional offices four-year terms? Should we opt out of the No Child Left Behind law?

Town meeting is also a time for us to show our appreciation for those who work hard for us all year: the volunteers who serve on our boards and commissions, the folks who work in the town offices, our road crews and the people who manage our parks. It is a time to welcome new people to our towns, and to remember those who may be away, serving our country in Iraq or Afghanistan.

To those local officials who will not be returning to office after March 2nd we wish to say, on behalf of the people of Vermont, "thank you for your service to your community." We know that serving in local office can be challenging as well as rewarding. We know that many of you have devoted countless hours and personal resources for the public good. Most importantly, we know that our communities could not function without the service and commitment of its public officials.

To those of you who are newly elected this month, and to those of you who are veteran officials back to serve yet another term, we wish to welcome you. As you are called upon to do your jobs, please know that we are here to be of assistance. We can answer your questions and direct you to other resources that might be helpful to you and your towns.

We have three attorneys available to answer your questions - Deputy Secretary of State, Bill Dalton, Director of Elections and Campaign Finance, Kathy DeWolfe and myself. Call us at 1-800-439-8683! Check out our web site or call to order our free publications on topics including open meeting law, tax appeals, library and school district law, land use regulation and more – [www.sec.state.vt.us](http://www.sec.state.vt.us)!

Deborah L. Markowitz, Secretary of State

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# Voice from the Vault

By Gregory Sanford, State Archivist

A plumber friend once explained his success as knowing three basic rules: water runs down hill; plumbers are paid well; and never put your fingers in your mouth. On February 16<sup>th</sup>, a state holiday, the Archives had rule number one confirmed when a water pipe broke on the second floor, ran down onto the first floor, and from there found a way through the re-enforced concrete ceiling of the basement vault. Only a small amount of water made its way through the ceiling, but 90 boxes were affected.

A few people called (did I detect a note of satisfaction?) to say, “And you are the guys who are always warning us about disaster planning.” Exactly the point: no one is immune from risks. That is why disaster mitigation and planning are so essential. Our test was not that we had a problem; it was how well we responded. I give us a mixed grade.

## **What we did right:**

The alarm system worked well (though not the way we anticipated) and within minutes the Montpelier Fire Department and staff from the Archives and Buildings and General Services were at Redstone.

We knew who to call and quickly had a sufficient number of people on-site to respond to the emergency.

One group focused on the building (water shut off and repair; arranging for additional dehumidifiers, fans and a wet vac service; and covering all vault shelving with plastic tarps in the event of new leaks).

Another group tackled the records. We segregated the records into three categories: records that were wet; dry records in damp folders; and dry records/folders within wet boxes. One group line-dried wet records; one group replaced folders with even slight dampness; and a third group removed all (dry) folders from slightly wet boxes and arranged them on tables to provide precautionary air drying (to minimize the chance of mold).

Knowledge of the holdings allowed some quick assessment of the relative value of the records (no 18<sup>th</sup> or 19<sup>th</sup> century records were affected) while finding aids eased the task of re-filing and boxing the records.

Photo documentation was made for insurance purposes, lists of discarded boxes and folders were compiled (both to guide re-filing and for figuring replacement costs) and the names of those responding, and how long they stayed, were recorded.

A parallel effort was going on in the two non-Archives offices directly under the water break; it is worth noting that because of the Office back-up policy no electronic records were lost though some IT equipment was damaged.

Within six hours of the alarm the situation was stabilized.

## **What we need to change:**

The alarm was set off when a smoke detector in the ceiling below the break was short-circuited by the water. If we relied exclusively on the vault water sensors more time would have elapsed and more damage would have occurred. We need to re-evaluate our security systems.

Too much of our response was guided by the knowledge and experience of the Archives staff and Paul Carnahan and Jackie Calder from the Vermont Historical Society (VHS). While this re-enforces the value of staff training we need more accessible and formal procedures in the event staff are unavailable. We will be developing quick check-off lists that anyone could locate and use.

We had not maintained our inventory of disaster response supplies and had run low on key items. We had to purchase additional plastic tarps and other supplies. The VHS staff brought some of their response material, underscoring the need for more formal partnerships and the off-site storage of disaster supplies.

Other, larger concerns need to be addressed. How, for example, did water leak through water-proof carpets and the cement ceiling of a four-hour fire rated vault? For any of you planning new facilities, our experience re-enforces arguments against putting vaults in the basement; water does, as noted, run down hill. Similarly, for

communities thinking of putting vaults and offices in historic buildings (in our case a 19<sup>th</sup> Century summer residence), our experience suggests careful risk assessment of how well the building can be retrofitted for new uses (insulation, plumbing, wiring, workflow, etc).

We were lucky that our response was quick and the damage minimal. We greatly appreciate the quick and informed response of the Montpelier Fire Department, State Buildings and General Services, the Vermont Historical Society, the Archives staff and volunteers Andrew and Reidun Nuquist and David Corliss. We will be particularly fortunate if our experience encourages all of us to review our disaster mitigation and response plans.

## Is Your Polling Place Accessible? Secretary of State's Office Offers Grants to Towns

The Help America Vote Act (HAVA) created a grant program entitled the Election Assistance for Individuals with Disabilities program (EAID). The EAID is overseen by the Secretary of State, to help ensure that individuals with disabilities have access to polling places and may vote privately and independently.

The EAID program provides \$100,000 to each participating state to support projects that make polling places physically accessible, that helps permit individuals with disabilities to vote privately and independently, provides training to elections officials to help them better accommodate voters with disabilities, and to conduct outreach to voters with disabilities to encourage their participation in the state's elections.

Vermont municipalities are encouraged to apply to receive funds to ensure particular polling facilities are accessible to individuals with a full range of disabilities. This may include but is not limited to making accessible the path of travel, entrances, exits, and voting areas of each polling facility with activities such as paving parking areas, building ramps inside/outside buildings, building curb cuts, and replacing door knobs with lever handles. In addition, grants may be awarded to individuals or organizations to assess the accessibility of polling places and to recommend steps to make the polling places fully accessible to voters with disabilities.

All proposals must be typewritten on one side of standard (8 1/2" x 11") unruled white paper. Statement of Work must not exceed five (5) pages. Completed proposals must be received at the Secretary of State's Office, address below, no later than 4:30 on March 19, 2004. Proposals received after that time will only be accepted for review with permission of the Secretary of State.

For more information about Vermont's EAID grant program visit [http://www.sec.state.vt.us/elections\\_assistance\\_rfp.html](http://www.sec.state.vt.us/elections_assistance_rfp.html) or call Linda Hall at (802)828-0586 or e-mail her at [lhall@sec.state.vt.us](mailto:lhall@sec.state.vt.us)





# Opinions of Opinions

1. **Petitions To Reconsider Must Be Submitted Within 30 days.** The law is clear that petitioners have the right to test the vote of an annual meeting by requiring a vote to reconsider the article. Petitions to reconsider articles at Town Meeting signed by 5% of the legal voters must be submitted to the Town Clerk within 30 days of the meeting. 17 V.S.A. §2661. Municipalities are therefore wise to avoid committing themselves to any contract until the 30 days for reconsideration has passed.
2. **Reminder Of Votes Requiring Two-Thirds Instead Of A Majority At Town Meeting.** It's a fairly short list: Tax stabilization agreements relating to commercial or industrial property (24 V.S.A. §2741(b)); and when Robert's Rules requires 2/3 for procedural motions such as motions to suspend the rules, to rearrange articles, to cease or limit debate; to adopt special rules of order; to allow a nonresident to speak after a voter has objected, to close nominations; and to postpone to a time certain. 17 V.S.A. §2658.
3. **Articles That Are Passed Over Must Be Re-Warned At A Special Meeting To Be Considered.** 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) 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.
4. **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.
5. **Australian Ballot is Not A Paper Ballot.** People often confuse the terms "written ballot" and "Australian ballot." The two are different. A written ballot is a paper ballot vote used at a traditional school district or town meeting. 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 twenty days prior to the school district or town meeting and 30 days prior to state primary or general elections for absentee voting.

- 6 Union School Officers Take Office on July 1<sup>st</sup>, Except for Moderator.** According to law, "union district officers elected at an annual meeting shall enter upon their duties on July 1 following their election and shall serve a term of one year or until their successors are elected and qualified, except that if the voters at an annual meeting so vote, moderators elected at an annual meeting shall assume office upon election and shall serve for 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. § 706k.
- 7 Not Every Local Official Must Get Paid.** While some officers, such as 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 Voters 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 auditors can fix the selectboard's salary 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 Property Bought At Tax Sale Must Be Sold In Arms-Length Transaction.** The town bought property at tax sale five years back and a neighbor has asked to purchase the property. The selectboard has an obligation to both the taxpayers of the town and to the delinquent taxpayer who last owned the property to sell the parcel for the highest price possible. The best practice is to try to sell the property for fair market value and allow all members of the public to place a bid or make an offer on the property. Any money that is received by the town in excesses of the taxes, fees, penalties, carrying costs, lost tax revenue and any other costs to the town associated with the property is remitted to the delinquent taxpayer. *Bogie v. Barnet*, 129 Vt. 46 (1970).
- 10 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 a 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 is 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), a poundkeeper, inspectors of lumber, shingles and wood, weighers of coal, and a tree warden. 24 V.S.A. § 871.
- 11 Teacher May Serve on Selectboard.** There is no conflict for a teacher to serve on the selectboard in the district where he or she teaches. This is in contrast to the prohibition that exists that prevents a teacher from serving on the school board in the supervisory union in which he or she teaches. 16 V.S.A. § 558.

- 12 Selectboard May Go Into Executive Session To Discuss Other Officials.** The law speaks of both employees and “public officers” when it permits a board to go into executive session to discuss personnel issues. This authorizes the selectboard to discuss complaints or concerns related solely to other elected officials – even though the board may have no legal authority to direct the actions of those independent officials. 1 V.S.A. § 313.
- 13 Board Must Generally Discuss Only Those Matters That Appear On Their Agenda.** The open meeting law requires boards to make an agenda available some time before the meeting of a public body. 1 V.S.A. § 312(d). This rule exists so that members of the press and public can have some idea of what is to be discussed so that they can decide whether to attend the meeting. For this reason if a board discusses a matter that is not on the agenda it must ratify any decision at a later meeting or risk having a court invalidate the earlier action. 1 V.S.A. § 312(a)
- 14 Citizens May Record or Videotape Public Meetings.** No law would permit a board to prevent the press or a member of the public from videotaping or audiotaping a public meeting of the board. The board chair may, however, establish reasonable rules to prevent the taping from being intrusive or from disrupting the meeting (although the discomfort of members of the board or public is not reason enough to limit such recordings.)
- 15 Official Can be Personally Liable For Intentionally Keeping Someone From A Public Meeting.** One exception to the general rule that public officials cannot be held personally liable for their official actions is 1 V.S.A. § 314 (a). This statute provides that “a person who is a member of a public body and who knowingly and intentionally violates the [open meeting law] or who knowingly and intentionally participates in the wrongful exclusion of any person or persons from any meeting . . . shall be guilty of a misdemeanor and shall be fined not more than \$500.00.”
- 16 Laws That Apply To Towns And Town Officers Apply To All Municipal Corporations.** Vermont law specifically provides that “the laws applicable to the inhabitants and officers of towns shall be applicable to the inhabitants and similar officers of all municipal corporations.” Note that this section of the law does not override the general rule that individual municipal charters or special laws that apply to particular municipalities will govern over the general law. 1 V.S.A. § 139.
- 17 How To Compute Time.** When the law requires an action to be taken within a certain number of days from a particular action or date, the date or day when such act is done is not included in the computation unless the law specifically requires. 1 V.S.A. § 138. This means that when a decision of a board must be rendered within sixty days of the final hearing of the board, the day after the final hearing is counted as the first of the sixty days.
- 18 Selectboard Member Who Has Liquor License May Not Participate In Liquor Control Board Matters.** The selectboard serves as the local liquor control commissioners for their town. 7 V.S.A. § 166. However, a member of a local control board to whom or on behalf of whom a first or second class license was issued by that board shall not participate in any control board action regarding any first or second class license. 7 V.S.A. § 223. If a majority of the members of a local control board is unable to participate in a control board action, that action shall be referred to the state liquor control board. In addition, any application for a first or second class license by or on behalf of a member of the local control board or a complaint or disciplinary action regarding a first or second class license issued by a board on which any member is a licensee shall be referred to the state liquor control board for investigation and action.

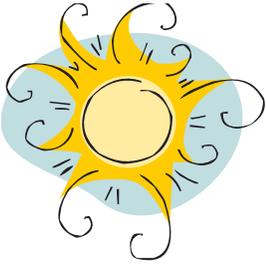
- 19 No Requirement To Bid Town Contracts.** No law requires the selectboard to put out to bid contracts for the town. The board has a fiduciary responsibility to the taxpayers to enter into contracts that are prudent and in the best interest of the town, but unless the board adopts a bidding policy, no open bidding is required. This is in contrast to the rules that govern school district contracts. These rules require public bids when the cost exceeds \$15,000 for the construction, purchase, lease, or improvement of any school building, the purchase or lease of any item or items required for supply, equipment, maintenance, repair, or transportation of students or for a contract for transportation, maintenance, or repair services. 16 V.S.A. § 559. Additional rules apply when a school construction contract exceeds \$500,000.
- 20 Selectboard Cannot Create Permanent Easement For Access To Landlocked Parcel.** When an individual purchases landlocked land he or she must go to court to try to establish an implied easement or right of way to the land. The selectboard has no authority to grant an easement over private property. However, the law permits the selectboard to lay out a temporary easement for the purpose of removing lumber. The law states that “if it becomes necessary for the practical removal of lumber, wood, or other material, to pass through the lands of a person other than those of the owner of the land from which the lumber, wood or other material is to be removed, the selectmen may lay out a right-of-way through the land of any person for these purposes.” 19 V.S.A. § 958.
- 21 Bylaws Will Not Be Invalidated For Failure To Comply With Adoption Procedures.** The law provides that a court may not invalidate a plan or bylaw or its amendment or repeal because of a failure to adhere to strict and literal requirements concerning minor or nonessential particulars. The court must uphold the plan, bylaw or action if there has been substantial compliance with the procedural requirements of this chapter. In addition, the law prohibits a person from challenging the validity of a plan or bylaw for procedural defects after two years following the day on which the bylaw or plan took effect (or would have taken effect if no defect had occurred.) 24 V.S.A. § 4462

**Errata: In January, Opinion 10 we stated: “A Vote is required to spend surplus or money left over in the highway or general fund in the next fiscal year.** The selectboard does not have any authority to spend money left over from the FY 2004 budget in the next fiscal year unless an article is submitted and approved by the voters. If you can anticipate a surplus because you will not be completing a project this year, you can include an article on the annual meeting warning in March.” While this is generally true, 19 V.S.A. § 312 provides that “The funds raised from town highway taxes shall not be used for any purpose other than that for which the tax was voted, subject to the provisions of this chapter. If in any year money so voted is not expended, it shall be applied for the same purpose the following year.” This permits a town to complete highway projects that may take more than one year, without having to go back to the voters for authority to spend.

*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.*

# 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 DTC 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 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 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. For contact information for town clerks throughout our state visit the municipal section of our website.
- 10. 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.



We want to wish the best to **Salisbury Town Clerk June Hadley** who retired from office. She should be proud of her service to the Town of Salisbury and to the State of Vermont.

We wish her well in her future endeavors!

## The Driver's License Safety Sticker Program For Vermonters Who Are Deaf or Hard of Hearing

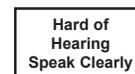
The Vermont Driver's License Safety Sticker Program was established in 1996 to help improve communication between Vermonters who are deaf or hard of hearing and police and rescue workers. The Secretary of State has prepared two stickers which individuals with a hearing loss may apply to their operator's license, permit or non-driver identification card to alert police officers and rescue workers that they may not understand everything said to them.

**The program is voluntary.** The stickers do not indicate a restriction of any kind; they are for informational purposes only to facilitate communication. The Department of Motor Vehicles will not create or keep any record of participants.

**How the program works.** Any Vermonter who is hard of hearing or deaf may affix a brightly colored sticker with the word "DEAF" or the words "Hard of Hearing – Speak Clearly" to the upper right hand corner of the back of his or her operator's license, permit, or non-driver identification card. A person who is stopped by a police officer or is in an accident and requires assistance can present his or her license or identification with the back showing so the officer or rescue worker easily sees the sticker. This should help prevent miscommunication and improve service to the individual who is using the sticker.

**Stickers may be obtained directly from the Office of Secretary of State by calling (802) 828-2363 or faxing a request to (802) 828-2496.** The Office of Professional Regulation will also distribute the stickers through the Offices of Vocational Rehabilitation, through licensed distributors of hearing aids, and through audiologists. Some divisions of the Department of Motor Vehicles may also make these stickers available.

<b>DEAF</b>	
Class 1- All motor vehicles except motorcycles & school buses. 14 day grace period after license expires.	
ENDORSEMENTS	RESTRICTIONS
M- Motorcycle	1. Corrective or contact lenses
V- Type II School Bus	2. Outside mirror left side
B- Motorcycle & Type II School Bus	3. Automatic transmission
	4. Directional signals
	5. Device to operate brake and clutch simultaneously
	6. Code 3 and hand operator dimmer switch
	7. All hand operation
	8. SPECIAL see separate card
<input type="checkbox"/> _____ <input type="checkbox"/> _____	



# UCC Fees Increase!

The governor recently signed into law a bill that raises the UCC filing fees from \$10.00 to \$20.00. Now, fees for filing UCCs in the town office is \$20.00, the fees for responding to a request for information and for issuing a certificate showing whether there is on file any financing statement naming a particular debtor is \$20.00 plus \$0.50 per page for copying. UCC terminations also cost \$20.00. The town may continue to charge \$6.00 a page for recording attachments that come with the UCC filing.

As most of you know, in 1994 the legislature revised the Uniform Commercial Code so that very few UCCs are filed in the municipal office. Today, only fixture filings and filings related to timber and mineral collateral must be filed locally. (A “fixture” is property that is affixed to real estate such as shelves or a walk-in cooler that is built into or bolted to the floor of a building.) UCCs are filed in your UCC book, and not generally in the land records. However, as you know, if someone asks you to file the UCC in the land records, and pays the recording fees, you probably do not have authority to say no to the request.

## March 2004

### March 1:

- In towns using Australian Ballot, an early or absentee voter, or an authorized family member or health care provider acting on the voter's behalf, may request an early voter absentee ballot until 5:00 p.m. or the closing of the Town Clerk's office. 17:2531(a), 2532(a)
- 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. 17:2452
- Prior to the day of the election, Board of Civil Authority must appoint Assistant Election Officers to work at the polling place(s) and may provide them with guidance in the conduct of their election duties. 17:2451, 17:2454
- Last day for Board of Civil Authority to meet to revise checklist before Town Meeting. 17:2142
- Last day for legislative body to hold public informational hearing on any public question to be voted by Australian Ballot at Town Meeting. 17:2680(g)

### March 2:

- TOWN MEETING DAY and PRESIDENTIAL PRIMARY (First Tuesday in March). 1:371, 17:2640(a), 17:2701
- At all elections using the Australian Ballot system the polls shall open no earlier than 5:00 a.m. and no later than 10:00 a.m. (Opening hour set by the Board of Civil Authority) Polls remain open until 7:00 p.m. 17:2494, 17:2561, 17:2561(a)
- (Before polls open) In towns using Australian Ballot, Town Clerk must give Election Officials a list of those voters who have already cast early or absentee voter ballots, post the warning, notice, and sample ballot of each polling place(s). 17:2548(a). 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
- 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
- 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 may act on applications until polls are closed. 17:2144(c), 2144b(b)
- Moderator opens business for the open meeting at the time established by legislative body. 17:2655, 2657
- In towns using Australian Ballot, as soon as possible after the polls close, Town Clerk or other Presiding Officer must examine entrance and exit checklists and prepare a statement of discrepancies. Presiding Officer directs Election Officials in counting ballots. Election Officials must seal all ballots, exit checklist(s) (or read-out sheets and other voting machine materials) and tally sheets. 17:2581 to 2590.

## March 2004 continued

**March 3:** (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. 17:2588

**March 4:**

- (Within two days after polls closed) Town Clerk must notify each provisional voter of acceptance or reasons for rejection of voter's attestation. 17:2557(b)
- (Within 48 hours after polls closed) Town Clerk shall deliver to the Secretary of State one certified copy of the official return of vote form for the Presidential Primary. 17:2588

**March 7:** (Within five days after Town Meeting) Town Clerk must certify financial actions of Town Meeting to Treasurer and to Chair of the Selectboard. 24:1167

**March 8:** (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. 32:5167

**March 9:** (Within seven days after election) 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. 17:2682(e)

**March 12:**

- (Within 10 days after election) Last day for a defeated local candidate requesting recount of an election voted by Australian Ballot to file a petition with the Town Clerk. 17:2683
- (Within 10 days after the election) Deadline for a voter to file a request for a recount with the Town Clerk of any issue voted by Australian Ballot. 17:2688
- (Within 10 days after Town Meeting) Last day for Town Clerk to certify to Secretary of State facts of origin and procedure followed for each municipal charter amendment proposal. Clerk shall also certify the result of any vote required before an act of the General Assembly takes effect. 17:2663, 2645(b)
- 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. 17:2822

**March 17:** (Within 15 days after an election) Last day a voter may contest the results of an Australian Ballot local election by filing a complaint with Superior Court. 17:2603(c)

**March 18:** (15 days after the warning of the run-off election) First day a run-off election may be held. 17:2682(e)

**March 31:** (22 days after warning; warning within seven days after election) Last day a run-off election may be held. 17:2682(e)

## April 2004

**April 1:**

- Last day for dog or wolf-hybrid licensing. 20:3581
- Base date for setting appraisal value and determining ownership of real and personal property. 32:3482
- Last day for Town Clerk to furnish Listers with transfer book for preceding 12-month period. 32:3485(a)
- (Within 30 days of Town Meeting) Last day legislative body can accept petition signed by five percent of the registered voters requesting reconsideration or rescission of a Town Meeting article. 17:2661(b)

**April 15:** Last day for Selectboard to notify Commissioner of PATH of appointment of Town Service Officer. 33:2102

**April 20:** Last day for return of personal property inventories to Listers. 32:4004

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

**April 30:**

- 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.

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March 2004

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