

Opinions

Office of the Vermont Secretary of State



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A Message from the Secretary

Every March local government takes center stage. Even with all of the drama going on in the state house, it is local government and local issues that are in the spotlight. You can look at

any newspaper in the state and you will see articles about local ballot issues, candidates and absence of candidates, budgets, bonds, and meetings. Meetings gone wrong - and meetings that are right out of a Norman Rockwell painting.

March Meeting is only one piece of Vermont's tradition of participatory democracy. In fact, the backbone of that democratic tradition is the many individuals who do the work of local government. After March meeting, when things begin to settle down and town government falls from the front pages of our papers, the real hard work of local government begins. This is the time we reorganize. We set meeting days, elect chairs, adopt rules of order, and to begin to feel out the new personalities on the boards. It is a time when the absence of old friends is felt the strongest - and when new officials must be given an opportunity to learn what their new jobs require.

I want to give a special welcome to those of you who are newly elected this month. As you begin to learn the requirements of your new positions and have questions about the laws that govern the work you do, please feel free to call us for assistance. We will answer your questions and direct you to other resources that might be helpful to you and your towns.

Here at the Secretary of State's Office we have assembled a great team to work with the municipalities in Vermont. We have three attorneys available to answer your questions - Deputy Secretary of State, Bill Dalton, Director of Elections, Kathy DeWolfe and myself. Call us at 1-800-439-8683! Check out the municipal resources on our web site (www.sec.state.vt.us) including publications on topics including open meeting law, tax appeals, land use regulation and more - and attend our educational workshops. We look forward to getting to know you. We are here to help you serve your communities!

(Reprinted from March 2000.)

Deborah L. Markowitz, Secretary of State

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Voice from the Vault

By Gregory Sanford, State Archivist

The Repository of Governmental Choices

I was recently reading about the Repository of Germinal Choice. Some of you may recall the Repository, which existed from circa 1980 to 1999, as the “Nobel Prize Sperm Bank.” The goal of the Repository’s founder Robert Graham was to offset what he saw as the declining gene pool by providing the sperm of Nobel Prize winners to qualified women (qualification originally meant women who were in Mensa, the society of “bright people” as measured by IQ scores).

The Repository of Germinal Choice is fertile ground for a host of columns, from how “positive eugenics” has persisted (as opposed to “negative eugenics” such as Vermont’s 1931 sterilization law) to how gender bias can color “scientific” assumptions (some recent studies suggest that the genetic material in eggs, not sperm, is a better determinant of intellectual potential). But what fascinated me, and therefore is the subject of this column, is the role of the Repository, the physical plant in which the Nobel seed was preserved.

Robert Graham’s Repository had environmental and security controls to protect the “donations,” as they were called. A repository, after all, is “a place where things may be put for safekeeping.”

I have been thinking about repositories, in the context of the Archives, quite a bit lately. The Archives not only depends on an environmentally controlled and secure repository (vault), but also on a research area where the public can comfortably review records and on space where records can be processed to improve access.

The current Archives vault and research area, like a growing number of municipal vaults, is inadequate. By inadequate I mean it lacks sufficient space to hold the archival records of state government; it no longer provides a secure environment for archival records; and the researcher area is not only too small but also cannot accommodate the proliferating formats upon which records are captured from paper to audio and videotape to electronic records.

While these problems have existed almost from the moment we moved to Redstone in the early 1980s, they have been exacerbated by changing realities. These include the 2003 archives law (found as 3 V.S.A. §117) that gave the Archives sufficient authority to administer a modern archival management program and the physical deterioration of the Redstone vault and processing areas.

Though the general assembly first assigned the secretary of state archival duties in 1782, it was not until Act #3 of 2003 that authority was granted to actively work within state government to identify and manage archival records (prior to 2003 the Archives was a passive repository, mainly receiving records designated for deposit by law). Vermont was the last state to enact archival *management* authorities.

Our initial work under Act #3 identified 15,000 cubic feet of records eligible for immediate transfer to the Archives (a cubic foot is equivalent to a banker box). This preliminary archival appraisal only encompassed selected records at the Middlesex record center or in court houses. Even this partial appraisal highlights our space problems since the current Archives’ vault can only hold 1,500 cubic feet and is full.

By way of comparison, there are six states, besides Vermont, with populations of less than a million people. Those six states have archival vault capacities ranging from North Dakota’s 15,000 cubic feet to Delaware’s 95,000 cubic feet. North Dakota is one of several states currently expanding vault capacity and has begun construction on an addition that will add 35,000 cubic feet of storage.

Again, Vermont’s vault capacity is only 1,500 cubic feet. Therefore it is impossible for us to meet the new archival management requirements. Indeed, the vault has long been full, forcing the Archives’ staff to manage space rather

than records. We must continually weed, film and scan records in order to maintain enough space to accept just those records mandated for deposit under statute.

Further pressure for a new facility stems from the deterioration of the current physical plant. During heavy rains and snow melts water routinely runs into the rooms on either side of the vault, including the processing room. While the threat of water damage from these run-offs is minimal, there is the very real risk of mold blooms that can damage records and are expensive to treat. We did experience water damage to the records in February 2004 when a second floor water pipe burst over a holiday and water came through the vault ceiling damaging over 90 boxes and their contents. In December 2005 a sewer line on the second floor cracked twice, though luckily during work hours so possible damage to the records was averted.

While permanent damage has so far been avoided, Vermont's most valuable records, from the 1777 Constitution to the records of our recent legislation on educational funding, civil unions, and other core issues remain at risk.

An archival repository is more than a vault. There is little point in identifying and preserving archival records if they are not used. Yet the current research area is inadequate, only able to accommodate effectively three or four researchers at a time. Those researchers have to share the space with three staff members who are constantly answering phones, processing records and fulfilling other duties that require space and concentration. While the Dean campaign created an unusually high level of use (up to 20 researchers at a time), there are numerous occasions when rival campaign workers or reporters from different media must share the single researcher table.

Happily, state government has begun to address these myriad problems. Secretary Markowitz has made a new archives and research facility her top priority; Governor Douglas put a line in the capital construction bill for facility design; and the two legislative Institutions committees, after appropriating money for site selection in 2005, are now addressing facility design. As always there is intense competition for limited capital construction funds as schools, hospitals and other important functions seek support, so the concern and interest for the Archives is greatly appreciated.

The Archives holds the collected deliberations and actions of Vermonters. Here is Thomas Jefferson's letter conveying a copy of the Bill of Rights for Vermont's vote; here is Lincoln's telegram to Governor Erastus Fairbanks asking for troops to protect the national capital; and here are the debates over ending town representation through re-apportionment. More importantly, here are records of two centuries of our public dialogues. The laws and actions springing from those dialogues gave birth to who we are as a State and as citizens. The records provide the DNA of our current public dialogues, giving shape to what we want Vermont, and Vermonters, to be. We are the Repository of Governmental Choices.

Vermonters take justifiable pride in our state's history of citizen government and our role in shaping national policy, from opposing slavery to protecting the environment. I hope we will soon have an archives and research facility that truly reflects that pride.

Tip of the Month from the VMCTA

A suggestion.....send an e-mail to your frequent lawyers/title searchers that utilize your office regarding any change in your office hours. Its greatly appreciated.



If you have a good tip that you would like to share with our readers please email it to:
Clyde Jenne at hartlandvtclerk@vermontel.net or mail it to:
Clyde Jenne - VMCTA President
P.O. Box 349
Hartland, VT 05048



Opinions of Opinions

1. The selectboard may accept and/or purchase property without voter approval.

There is no law requiring the selectboard to ask the voters for approval prior to accepting a donation or making a purchase of land or buildings. Note that a purchase of land can only be made without voter input where there is already money in the budget to pay for the purchase (for example money in the highway fund could be used to buy land for a salt shed.) See 10 V.S.A. § 6302 (acceptance of donated property). If the board has to borrow money to pay for the purchase it must get voter approval in accordance with 24 V.S.A. § 1786a.

2. The selectboard may only sell property after notice to voters and opportunity for a town vote. When the selectboard wishes to sell town property it has to post a notice of the terms of the proposed sale in three public places and publish the notice at least 30 days prior to the proposed sale. If a petition signed by 5% of the voters, objecting to the sale, is received within the 30 days then a special meeting must be called to vote on the proposed sale. In this situation the board may only complete the conveyance if the voters fail to disapprove of the sale. 24 V.S.A. § 1061. Exceptions to these requirements apply to sales involving town highways, public water, sewer or electric systems, or real estate used for housing or urban renewal projects.

3. Only the selectboard (or town manager) can enter into contracts that bind the town. Insofar as the law gives the selectboard general oversight of town affairs it is the board that has authority to enter into binding contracts for the town. There are also a number of specific statutory provisions that make it clear that it is the selectboard's role to contact for the town. The board can delegate this function to the town manager or to other employees in particular situations; however a contract entered into by an official or employee of the town who is not authorized to do so will be void. *Lakeside Equipment Corp. v. Town of Chester* 172 Vt. 527 (2000); *Courchesne v. Town of Weathersfield*, 174 VT 453 (2003). 24 VSA § 872, 934, 1092, 1236, 2692.

4. Board may authorize chair or vice chair to sign decisions or orders. Whenever any written decision or order issued by a board, commission, committee or authority of any municipality must be signed by the board, the law permits this decision or order to be signed by the chair or vice-chair on behalf of the issuing body. 24 V.S.A. § 1141. In order to take advantage of this law the board should vote at its organizational meeting, or at some other time, to authorize the chair or vice chair to sign on its behalf.

5. The selectboard may authorize one or more board member to act on behalf of the board to pay bills. The law permits the selectboard to vote to authorize **one** or more members of the board to examine and allow claims against the town for

town expenses and draw orders for such claims to the party entitled to payment. The orders drawn by these board members should be specific about the purpose for which they are drawn and will authorize the treasurer to make the payments. The full selectboard must be provided with a record of orders drawn under this provision of law whenever orders are signed by less than a majority of the board. 24 V.S.A. § 1623.



6. Meeting minutes will authorize treasurer to pay bills. When the selectboard submits to the town treasurer a certified copy the selectboard minutes, properly signed by the clerk and chair or by a majority of the board, showing to whom, and for what purpose payments are to be made by the treasurer, then the treasurer will have full authority to make the approved payments. 24 V.S.A. § 1623.

7. The town clerk controls town vault. 24 V.S.A. § 1178 makes it clear that the town must have a vault or safe for the records in the town clerk's custody. Insofar as the town clerk is solely responsible for the care and preservation of the records of the town, the clerk is responsible for the security of the town vault, and it is up to her to control access to the vault. We generally recommend that the combination to the vault be given to the clerk's assistant as well as to the local fire chief, police chief and/or the chair of the selectboard so that, in the event of an emergency, the appropriate personnel can ensure the security of the records.

8. The selectboard controls town buildings. The selectboard has control over the town buildings. This means that the board may decide how the various spaces are used, whether and when repairs are made, etc . . . However, because the clerk has control over the records of the town the clerk has total control over the town vault. In some towns the selectboard feels the office must be made available to other local officials at times that the clerk is not ordinarily there. In such instances the board must work with the clerk to ensure that all of the records in her custody and the equipment of the office are protected. This might mean getting locking file cabinets and password protect programs on the town computer.

9. Spouse of town auditor may not serve on school board even if school district hires a CPA. Vermont law provides that an auditor shall not be a town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of their official duties be eligible to hold office as auditor. 17 V.S.A. 2647. This means that the town auditor cannot be married to a person serving as a school director even in districts where the school hires professional auditor pursuant to 16 VSA section 562(4). In such a situation one spouse would be required to resign his or her office.

10. Adverse possession rule is 15 years. Vermont law provides that a person who possesses another's property (or who uses a right of way over someone else's property) obtains title to that property (or a legal right of way over that property) if their possession was "open, notorious, hostile and continuous for the full statutory period of fifteen years." 12 V.S.A. § 501. *Lawrence v. Pelletier*, 154 Vt. 29 (1990). If the landowner has permitted the person to use the property no adverse possession claim can be made unless there is an express or implied revocation of that permission. Note that it takes a court action to transfer title by operation of this law. Only when

the town clerk is given such an order for recording can the grand list be changed to reflect the new ownership.

11. Public land cannot be acquired through adverse possession. Vermont generally follows the common-law rule that a claim of title or right by adverse possession does not lie against public lands. *Society for the Propagation of the Gospel in Foreign Parts v. Town of Sharon*, 28 Vt. 603, 612 (1856). The principal behind this rule is that it would hurt the public to allow adverse possession of lands dedicated to public use.

12. Municipalities can acquire land through adverse possession. Although a municipality cannot lose the right to property through adverse possession, the courts generally recognized that public entities, including municipalities, may acquire land by adverse possession. *In re: 88 Acres*, 165 Vt. 17 (1996).

13. Petitions to reconsider articles voted at Town Meeting signed by 5% of the legal voters must be submitted to the Town Clerk within 30 days of the meeting. The law is clear that petitioners have the right to test



the vote of an annual 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.

14. Articles that are voted to be either “passed over” or “postponed indefinitely” cannot be raised at a special or future 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.

15. 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.

16. 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 the school taxes within 20 days after the date they become due and payable.



17. 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.

18. 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.)

19. Union school bond vote ballots may not be counted by town. The board of civil authority of each town within a union district is responsible for determining the eligibility of persons to vote, the supervision of the election and the transportation of ballots in its district to a central point designated by the board of school directors. It may not, however, count the union school ballots. For a bond vote, state law requires the ballots of all of the participating towns to be commingled before they are counted. The counting is then done by representatives of the boards of civil authority of the member towns all together, under the supervision of the union district clerk. 16 V.S.A. § 706w.

20. 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.

21. Union school officers take office on July 1st, except for moderator. “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.

22. 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.



23. 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.

24. Board may choose to rotate chair. In one town, no board member wished to serve as chair so the board members 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.

25. Town must plan for a transition after it adopts town manager form of government. When a town votes to adopt the town manager form of government, there is, by necessity, an interim period of time before a manager is hired when the board must nevertheless run the town. 24 V.S.A. § 1233. With a town manager form of government many of the selectboard responsibilities and all of the Road Commissioner responsibilities as well as others become the statutory responsibilities of the town manager and not the selectboard. 24 V.S.A. § 1240. Although the statutes do not directly address a transition period, the selectboard should plan ahead for one. So long as the board is actively working to hire a manager, it is likely that a court would recognize the board’s continued authority to run the town as though there had been no vote to adopt the manager form of government, although the law does not clearly state this. In the alternative, the board can appoint an interim manager. The town might include in the article to adopt a town manager form of government, that the selectboard would continue until a town manager is hired but not longer than three months.

26. Selectboard member may not be interim manager. 17 V.S.A. § 2647 provides that a manager may not serve in any elected office in the town. This would prevent a member of the selectboard serving as an interim town manager. However a selectboard’s assistant could be temporarily appointed.

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 Janel Johnson, Civics Outreach Coordinator

Students at the State House

During this time of year when the legislature is in session, it is very important to have students visit the State House to see the legislature in action. Your local legislators can meet with students and explain what a typical day is like in the legislature! Please visit the Vermont legislature at their website (www.leg.state.vt.us) to find out how to plan a visit to the State House with schoolchildren from your town. A tour of the State House can also be arranged to learn about the unique history of the building. You can contact Alice Merrill to arrange a tour (amerrill@leg.state.vt.us).



New this year at the State House is the **Legislative Role-Play Tour**. The role-play was written by Secretary Markowitz and is designed to be a fun and interesting way for students to learn about how a bill becomes a law. Classes already experiencing this role-play reported that it helped students better understand the complexity of law-making and how they might become involved in the process. Students read the newest publication from our office, *The Adventures of Bill - The Real-Life Account of How a Vermont Bill Becomes a Law!* to prepare them for the role-play.



After Town Meeting: A Checklist

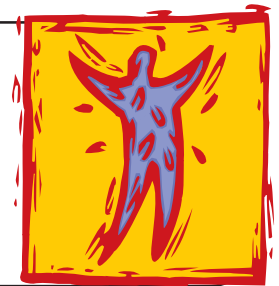
1. **FINISH THE MINUTES:** The Town Clerk is obliged to prepare the minutes of town meeting and have them approved by two people from among the following officers-selectboard member, moderator, or justices of the peace. This must be done within seven days of the meeting. 24 V.S.A. § 1152.
2. **GET ORGANIZED:** “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.

Quote of the Month

**“...You don’t get something for nothing.
You can’t have freedom for free...”**

- THE ROCK GROUP, RUSH



March 2006 Calendar

- March 2:** *(At least five days before Town Meeting)* Last day for Town Clerk to forward to Board of Civil Authority a list of voters added. 17:2144b(d)
- March 2:** *(Five days before Town Meeting)* Treasurer must settle accounts with Auditors. 24:1578
- March 2:** Town Meeting Warning must be published in newspaper by this date if town report has not been distributed otherwise. 17:2641(b)
- March 4:** *(Not later than three days prior to election)* By this date Board of Civil Authority must designate pairs of Justices assuring political balance in each pair to deliver ballots to ill and disabled voters in towns using Australian Ballot. 17:2538(a)
- March 4, 5, 6:** *(On any of the three days immediately preceding the first Tuesday in March)* Towns that have voted to do so must hold the open meeting portion of their annual Town Meeting *(at a time set by the Selectboard)*. 17:2640(b),(c)
- March 6:** In towns using Australian Ballot, voters, or their family members, authorized persons, or health care providers, may request early or absentee ballots until 5:00 p.m. or the closing of the Town Clerk's office. 17:2531(a), 2532(a)
- March 6:** 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
- March 6:** Prior to the day of the election, Board of Civil Authority must appoint assistant election officers for Town Meeting. 17:2454
- March 6:** Town Clerk or other Presiding Officer must notify Election Officers of their hours and duties. 17:2455
- March 6:** 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 7:** **TOWN MEETING DAY** *(First Tuesday in March)*. 1:371, 17:2640(a)
- March 7:** *(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 ballots. 17:2548(a)
- March 7:** *(Before polls open)* In towns using Australian Ballot, Presiding Officer must post a copy of the warning and notice, and sample ballots. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballot. 17:2523
- March 7:** 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. 17:2561(a)
- March 7:** *(Upon opening of polls)* In towns using Australian Ballot, 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
- March 7:** *(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
- March 7:** 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, if authorized, or Board of Civil Authority may act on applications until polls are closed. 17:2144b(c)
- March 7:** Moderator opens business meeting at the time established by legislative body *(unless town voted otherwise at a preceding meeting)*. 17:2655, 2657
- March 7:** 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. 17:2583(a)
- March 7:** In towns using Australian Ballot, Presiding Officer directs Election Officials in counting ballots. 17:2581, 2582
- March 7:** In towns using Australian Ballot, Presiding Officer must seal all ballots, entrance checklist(s) and tally sheets, and deliver to the Town Clerk. 17:2583(a), 2590(a), 2689
- March 7:** *(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.
- March 8:** *(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 12:** *(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 13:** *(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 14:** *(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 17:** *(Within 10 days after election)* Last day for a candidate requesting recount of an election voted by Australian Ballot to file a petition with the Town Clerk. 17:2683
- March 17:** *(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
- March 17:** *(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)
- March 17:** Last day for candidates for Town Meeting local election who are spending more than \$500 to file second campaign finance report with officer with whom nominating papers were filed. 17:2822
- March 22:** *(Within 15 days after an election)* Last day a voter contesting any Australian Ballot vote can file a complaint with Superior Court. 17:2603(c)
- March 23:** *(15 days after the warning of the runoff election)* First day a run-off election may be held. 17:2682(e)

April 2006 Calendar

- April 1:** Last day for dog or wolf-hybrid licensing. 20:3581(a)
- April 1:** Base date for setting appraisal value and determining ownership of real and personal property. 32:3482
- April 1:** Last day for Town Clerk to furnish listers with transfer book for preceding 12-month period. 32:3485(a)
- April 5:** *(22 days after warning; warning within seven days after election)* Last day a run-off election may be held. 17:2682(e)
- April 6:** *(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 appoint a Town Service Officer and notify Commissioner of Social Welfare of this appointment. 33:2102(a)
- 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 printed form)* if reporting less than \$2500 per quarter. More than \$2500 requires monthly report; more than \$9000 requires semi-weekly report. 32:5842
- April 30:** Last day for Listers to receive applications for tax exemption due to disabled veteran status. 32:3802(11)
- April 30:** Last day to file Form 941 *(Quarterly Withholding Return)* with the IRS.



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March 2006

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