

No. R-235. Joint resolution providing for a Joint Assembly to vote on the retention of six Superior Judges.

(J.R.S.44)

By Senator Nitka,

Whereas, declarations have been submitted by the following six Superior Judges that they be retained for another six-year term, Judge Thomas S. Durkin, Judge David Fenster, Judge Kerry A. McDonald-Cady, Judge Robert A. Mello, Judge John Pacht, and Judge Helen M. Toor, and

Whereas, the procedures of the Joint Committee on Judicial Retention require at least one public hearing and the review of information provided by each candidate and the comments of members of the Vermont bar and the public, and

Whereas, the Committee is unable to fulfill its responsibilities under subsection 608(b) of Title 4 to evaluate the judicial performance of the candidates seeking to be retained in office by March 17, 2022, the date specified in subsection 608(e) of Title 4, and

Whereas, subsection 608(g) of Title 4 permits the General Assembly to defer action on the retention of judges to a subsequent Joint Assembly when the Committee is not able to make a timely recommendation, *now therefore be it*

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 24, 2022, at ten o'clock and thirty minutes in the forenoon to vote on the retention of six Superior Judges, *and be it further*

Resolved: That the Joint Assembly shall be concurrently conducted electronically at which members of the General Assembly may participate and debate from a remote location if they notify the Speaker of the House in the case of House members, or the President of the Senate in the case of Senators, that the member meets one of the COVID-19-related conditions set forth in 2022, J.R.H. 17 (remote participation in joint committees under restricted, COVID-19-related circumstances), *and be it further*

Resolved: That balloting for any members participating remotely shall be conducted through electronic means in a timeframe prescribed in the Joint Assembly, whereby remote members' completed ballots shall be submitted electronically to the Secretary of the Senate and the Clerk of the House, who may provide assistance to those remote voters in accordance with 17 V.S.A. § 2569 (assistance to voter) in order to ensure that remote members' votes are not distinguishable from in-person members' votes in order to maintain the confidentiality of the votes of remote members, and who shall commingle those completed ballots with those of the members who vote in-person at the Joint Assembly, *and be it further*

Resolved: That in case the vote to retain the Judges shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays, Sundays, and Mondays excepted, and proceed until the above is completed.