

Opinions

Office of the Vermont Secretary of State



Vol.7, #2

A Message from the Secretary



As Vermonters we value civic responsibility, we cultivate self reliance and we cherish community life. The tradition of town meeting is at the very center of these values.

For over 200 years, Town Meeting Day has been an important political event in Vermont. But we all know how fragile this form of direct democracy can be. That's why it is so important to give Vermonters the tools they need to participate in town meeting; and why it is important to teach our children about this civic tradition.

I am pleased to announce a new publication and website designed to encourage all Vermonters to participate in town meeting. *A Citizen's Guide to Vermont Town Meeting* is a short publication designed to help citizens understand the history of town meeting and how town meeting works today. Our new town meeting website is designed to help citizens and local officials and includes the *Citizen's Guide* as well as a *Handbook for Moderators*, a *Voter's Guide to Town Meeting Procedure*, a *Guide to Petitioning* as well as many other resources. You can view the website at: www.sec.state.vt.us/townmeeting/index.html.

In addition to our town meeting website, we have made available to Vermont schools curriculum materials that are designed to educate our children about the tradition of town meeting. Our middle school curriculum, *Town Meeting – A Vermont Tradition* includes suggestions for classroom activities and articles designed to stimulate classroom discussion about the pros and cons of Australian ballot voting versus floor meetings, and whether it is appropriate to be discussing state and national social and political issues as part of town meeting. *Town Mouse and Country Mouse Go To Town Meeting*, designed for children in 3rd – 5th grade, walks the children through town

meeting and Australian ballot voting, highlighting the differences between these two forms of voting. It also includes fun activities and a teacher's guide with ideas for classroom discussions and activities. Finally, *The Town Meeting Coloring and Activity Book* was designed as an early elementary curriculum and includes basic information about Vermont's town meeting with easy to color pictures and other activities.

For free copies of *The Citizens Guide to Vermont Town Meeting*, the *Moderator's Handbook* and the town meeting curriculum materials contact Kathryn Mathieson at kmathieson@sec.state.vt.us, 802-828-2148. These booklets are also available online at <http://www.sec.state.vt.us>.

Deborah L. Markowitz, Secretary of State

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Recent Web Offerings From the Archives

Over the last few months I have occasionally provided updates on some of the legislatively mandated projects the Archives is working on. Recently we have put material from two of those projects, the pilot municipal scanning project and the municipal land record commission, up on the Web.

The Municipal Scanning Project was created to develop practical, hands-on experience on the use of scanning technology in municipal offices. In working with the participating municipalities, the Archives developed some general guidelines for anyone considering a scanning project. These guidelines are available at: http://vermont-archives.org/records/electronic/er_digitalimage.html.

The guidelines are arranged in three sections: project planning; architecture and technical specifications; and implementation. The section on planning offers a range of management questions and analyses to consider when contemplating the use of scanning in your office. The architecture and technical specifications section offers system design perspectives to support access and long term management requirements. The implementation section touches on important practices from indexing to risk management.

The web page also provides links to the Request for Quotes (RFQ) and “Initial Cut Checklist” developed by the municipal scanning project participants. Both items may serve as models for writing a request for proposals and evaluating the responses. We posted the guidelines in response to the steady stream of inquiries we receive about scanning public records. Too often record custodians at all levels of government are simply told that scanning will create efficiencies and either confront information technology decisions made elsewhere or are asked to proceed with implementation without any guidance.

Therefore the general goal of the guidelines is to provide municipalities and other government entities a framework for informed decision making about whether, or how, to implement scanning. The guidelines were drawn from similar efforts adopted by other states. The Archives will continue to monitor those efforts, as well as make adjustments based on the experiences of the on-going pilot scanning project.

The second Web posting is for the minutes and support material being generated by the Municipal Land Records Commission and can be found at: <http://vermont-archives.org/records/vtmlrc/index.htm>.

The Commission, which builds upon the work of two previous commissions, has a broad range of responsibilities. In general it is looking at ways to move toward the consistent use of information technology for records affecting title to land; a funding mechanism to support IT at the municipal level; and an education program for municipal officers on best practices for managing land records. The Web site allows you to follow the work of the Commission and to comment on the Commission’s work. The Web site was developed by Tanya Marshall, a member of the Archives staff who chairs the Commission and who is also working on the Judicial Records Project, a joint effort of the Court Administrator and the Archives.

We hope you find these sites useful and we welcome any comments.

All Those In Favor: Rediscovering the Secrets of Town Meeting and Community

All Those In Favor: Rediscovering the Secrets of Town Meeting and Community, by educator Susan Clark and University of Vermont political science professor Frank Bryan, is a new book that takes a good look at Vermont's town meeting tradition and then offers specific tips on how to strengthen this important democratic institution.

The authors emphasize town meeting's long-standing role as a true local legislature. At town meeting, citizens come face to face to discuss and create their own laws (rather than electing representatives to do so). Social scientists rank Vermont among the highest in civic engagement and in community measures such as trust and neighborliness, and Clark and Bryan make the link between these positive community indicators and Vermont's town meeting tradition. Clark and Bryan argue that while town meeting participation remains remarkably healthy in many parts of Vermont, this cherished institution is threatened from several fronts such as the Australian ballot, where face-to-face deliberation is replaced with a pre-printed ballot.

All Those In Favor offers specific tips for strengthening town meeting such as building an agenda that encourages attendance as well as tools for creative publicity and for engaging citizens in shaping town meeting. For towns that may have grown too large for town meeting, the authors offer specific alternatives for preserving the best elements of town meeting democracy, including adopting the representative town meeting system, where members are elected at large from smaller districts. For more information contact Susan Clark, Vermont Institute for Government, at 223-5824 or sclark@sover.net.

Ordering Information: The retail price is \$9.95 per book. However, the Vermont Institute for Government (VIG) is offering a special discount for municipal officials: \$6.00 per book, or \$5.00 per book if more than one is ordered; plus postage and handling (\$2.50 for the first book, \$.50 for each additional book). Order from VIG, 617 Comstock Rd. Suite 5, Berlin VT 05602-9194.

Tip of the Month from the VMCTA



This month's tip comes from
Marshfield Town Clerk, Bobbi Brimblecombe:

"In Marshfield we photocopy the oath once each year into the town record book and then type a list below it that says the following people took this oath on the following dates: so it doesn't take up pages and pages."

If you have a good tip that you would like to share with our readers please email it to Sandy Harris at vernontc@sover.net or mail it to:
Sandy Harris- VMCTA President
Town of Vernon
567 Governor Hunt Rd
Vernon, VT 05354



Opinions of Opinions

- 1. Town And Town School District Moderators Are Separate Offices.** The town school district must elect a moderator as the first order of business or by Australian ballot, if the district has voted to elect all officers by Australian ballot. Although the same person may serve as both Town Meeting Moderator and School District Moderator, separate candidacies and separate elections are required in each municipal annual meeting, and in municipalities that vote officers by Australian ballot, a separate petition must be submitted for Town School District Moderator to the school board, and for town moderator to the Selectboard. 17 V.S.A. § 2646; 16 V.S.A. § 491.
- 2. Vote To Use Australian Ballot Goes Into Effect At Next Meeting.** To change from a floor meeting to Australian ballot for election of officers, budgets, or public questions, an article must be placed on the warning as directed in 17 V.S.A. §2680. Sample wording for each type of article is included in the statute. If the article to change to Australian ballot passes, the town or district will begin using the Australian ballot at its next special or annual meeting.
- 3. Australian Ballot Cannot Be Used To Reconsider Vote Unless It Was Used For The Initial Vote.** Because a reconsideration vote is considered a continuation of the initial meeting, a reconsideration vote must be made in the same form as the original vote. This means that a budget re-vote must be held at a floor meeting even if the town votes at the same annual meeting to use Australian ballot at future meetings.
- 4. Town Clerk Must Be Open For Additions To Checklist Before Union School Meeting.** Towns that are members of a union school district must be open for voter registration on the second Monday before the Union School District Elections. The clerk must provide an authenticated copy of the updated checklist to the Clerk of the Union School District. 16 V.S.A. § 706u. (This section incorporates by reference the provisions of Title 17 which require the Town Clerk to have office hours on the second Monday before each election to allow residents to register to vote.)
- 5. Limited Appeals Are Available From Decisions Of The Board Of Abatement.** If a taxpayer believes a board of abatement has abused its discretion in denying a request, Vermont case law suggests that an appeal can be taken through Rule 74 or Rule 75 of the Rules of Civil Procedure. Appeals under these rules are very limited – they allow the court to review the proceedings only for abuse of discretion. This means that, except in extraordinary situations, the decision of the board will be upheld. Remember that abatement requests cannot be a substitute for an appeal of a property assessment by the listers.
- 6. Person Cannot Serve In Two Incompatible Offices.** There is no limit to the number of offices that a person can petition to be added to the ballot in a town that elects by Australian ballot, and no limit to the number of offices a person can be nominated for at a town meeting that elects from the floor. However, if elected, a person can only accept and serve in offices that are compatible (where there is no statutory conflict). A person will need to either resign or not accept one of the offices that creates an incompatibility.



7. Vacancy Is Created When Candidate Declines A Position. When one person is elected to more than one position and two or more of the positions are incompatible, the person must either not accept or resign from any positions where there is a statutory conflict to serve. This creates a vacancy or vacancies which must be filled according to statutory procedures. Note that the runner-up or next highest vote-getter does not move up or become the winner.

8. Vacancies In Town And School District Filled By Selectboard.

When there is a vacancy in a town office, the selectboard posts a notice of the vacancy within 10 days of its creation, and then appoints a person to fill the term of office until the next election. 24 V.S.A. § 961 and 963. For town school board members the selectboard, with the advice of the remaining school board members, must within 30 days appoint a person to fill the position until the next election. 16 V.S.A. § 424. For union school districts the clerk of the union district notifies the selectboard of the town which elected the original incumbent and within 30 days the selectboard, with the advice of the town or incorporated district school board, must appoint a person to fill the vacancy until the next election.



9. It Is Good To Wait Before Warning Meeting To Fill Newly Created Board Vacancies. When the annual meeting voters pass an article to increase the size of the selectboard or schoolboard from 3 to 5 members, a special election can either be called by the board or by petition. We believe that it is a good idea to wait until the 30 day period for reconsideration has passed, before warning a special meeting to elect new board members if your town elects officers by Australian ballot. If there is no petition to hold a special meeting, it is permissible to wait until the next annual meeting to add the new board members. If your town or town school district elects officers from the floor, a voter can move to vote the article to expand the board prior to election of officers so that if the board is expanded, the new members can be elected at the same meeting. 16 V.S.A. § 423, 17 V.S.A. § 2650.

10. Voters Can Challenge Moderator At Town Meeting. During a traditional floor meeting, any voter can challenge any ruling on points of order by the moderator by requesting that the issue be put to the vote of the assembled voters. Many wise moderators will encourage voters to challenge a ruling when they are in doubt by prefacing the ruling such as “The chair is doubtful, but will rule that” This encourages a voter to rise to challenge. *Roberts Rules* provides that any voter can rise to ask that the ruling be voted upon by the voters present. It is difficult for any moderator to know every rule and anticipate every type of motion that may be presented. *Roberts Rules* thus allows the majority of those voters present to decide what is fair and just under the circumstances.

11. Only Legal Voters Can Be Elected To Town Office. To be eligible for election as a school board member, a person must be a legal voter in the school district. 16 V.S.A. § 558. Likewise, a town shall choose from among its legally qualified voters for selectboard, town clerk, town treasurer, and a number of other town offices. 17 V.S.A. § 2646. So long as the person is on the checklist by the day of election he or she is eligible for election. The town clerk must add the names of all eligible persons who have properly completed and submitted applications to the checklist before noon on the second Monday before the election.

12. Some Local Officials Do Not Have To Be Residents. In most cases, in order to be elected or appointed to serve in local office you must be a voter in that municipality. However, the law does not require assistant treasurers or assistant clerks to be residents of the communities where they serve. In addition, the town clerk or treasurer can serve as clerk or treasurer of a village or fire district even if they are not a resident of that municipality. A town tax collector can serve as an incorporated school district collector even if not a resident of the district. There is also no residency requirement for appointment to town planning and zoning boards. However, for the planning commission, at least a majority of the members must be residents of the town.

13. Certain Officers Are Elected By Paper Ballot. In towns that have not adopted the Australian ballot system of voting for local offices, Vermont law requires the use of paper ballots during the town meeting for election of officers to the selectboard, listers, auditor, road commissioner, and water commissioners. 17 V.S.A. §2646.



14. Majority Vote Is Required To Elect Officials At Floor Meeting. Vermont law requires local officials to receive a majority of all votes cast in order to be elected during an open town meeting. 17 V.S.A. §2660. Candidates who receive a plurality of votes will be elected in towns that use the Australian ballot to vote for officers. In a floor vote, if no candidate receives the majority in the first paper ballot, then another vote must be taken. If no person has obtained a majority by the end of the third vote, then the moderator shall announce that the person who received the least votes in the last vote shall no longer be a candidate, and continue voting in like fashion until a candidate receives a majority.

15. There Is No Reconsideration Of Election Of Officers. While 17 V.S.A. §2661 provides a method for reconsidering public questions, and budgets, the election of officers cannot be reconsidered by filing a petition with the legislative body. The only way to challenge or contest an election of an officer is by filing a petition with the appropriate Superior Court. (17 V.S.A. §2603) The statute sets out that you must allege either errors sufficient to change the outcome of the election, fraud in the process sufficient to change the result, or you must establish another reason that the election is not valid.

16. Guardian May Not Vote On Behalf Of Ward. There is no power of attorney or guardianship order that allows the person with the power of attorney or the guardian to register to vote on behalf of the other person OR to cast a vote for the other person. Any person may assist a person in completing an application to the checklist but the citizen that is applying must sign the application for himself. Similarly, a family member or authorized person can request that an absentee ballot be sent to another voter, but each voter must vote his or her own ballot. A voter can also ask for assistance from any person of his or her choice, but no one can “substitute” vote for another.

17. No New Vote Is Needed To Expend Reserve Fund If Fund Expenditure Was Specific In Original Vote. When the electorate has voted at a town meeting to establish a reserve fund, such as a Highway Capital Reserve Fund, the selectboard is authorized by statute to expend those funds for purchase of capital assets for the maintenance and improvement of highways and the selectboard does not need another article to approve each expenditure (so long as the expenditure is for the purposes for which the fund was established.) 24 V.S.A. §2804. If the selectboard wants to use the funds for some other purpose, then the board needs to warn an article for voter approval to use the funds for a different purpose.

- 18. Political Party Designation For Local Office Rare – But Possible.** Few communities include political party designations for local offices. In most cases it is done because the Municipal Charter provides for such listing. However, the law permits political party designations if the town has voted to provide for such listings, or in the absence of such a vote, if the legislative body votes to permit political party designations.
- 19. 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. (See March *Opinions* for list of officials requiring oath.)
- 20. Union School Officers (Clerk, Treasure, Auditors, Etc.) Take Office On July 1st 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.
- 21. Moderators Should Not Comment On Legality Of Article.** It is best practice for moderators at the annual meeting to refrain from speaking to the legality of an article or to give an opinion about the legal effect of taking action on or passing over an article. Even a well-intentioned comment about the legality or impact of an article could be misunderstood as showing partiality for or against an article. If there is truly no one else in the room that can answer a question, and the moderator feels compelled to enter the discussion, the moderator should call for a moderator pro tem to take over, and step down while he or she participates in the debate.
- 22. Non-voters May Only Speak At Town Meeting With Permission of the Assembly.** Only legal voters can speak at town meeting unless there has been a motion to suspend the rules and permit non-voters to address the group and the motion has passed by 2/3 of the voters. It is a good practice when making such a motion to include some parameters in the motion, such as non-voters may speak to an issue only once, for a time not to exceed five minutes, etc.
- 23. Upon The Request Of Seven Voters, Paper Ballots Are Used For Non-Election Articles.** If at least seven voters support a request that paper ballots be used for voting during a special or annual meeting, then paper ballots must be distributed and used. 17 V.S.A. §2658. This request must be made separately for each article. Generally one person makes the motion to call for paper ballots and the moderator looks to see whether there are six people who would “second” the motion.



Opinions Continued

- 24. Motion To Reconsider Must Be Made Before Consideration Of Next Article.** If a voter wishes to move for reconsideration of an article during town meeting, the voter must make the motion BEFORE consideration of the next article on the warning. 17 V.S.A. §2661(a). After the motion has been made to begin consideration of the next article, it is too late to seek reconsideration during the meeting.
- 25. Moderator May Reject Amendment If Not Germane.** The moderator can only allow amendments to articles that are reasonably related to the article as warned. The purpose of the town meeting warning is to enable voters to know what issues are going to be decided. Because no decisions can be made on issues that were not warned, it would not be a valid act of the town to amend an article so that it is no longer relevant or germane to the original Article. See *Kaeser v. Town of Starksboro*, 116 Vt 251 (1950).
- 26. Clerk must disclose fees.** Town Clerks are required to disclose to the public the total amount of fees received as part of his or her compensation for the preceding year within 30 days after the end of the town's fiscal year. 24 V.S.A. §1179. The law does not state how the clerk shall disclose the fees, just that the fees must be disclosed to the public.

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.

To: Vermont Town Clerks
From: Rich McCoy, Public Health Statistics Chief,
Vermont Department of Health
Re: Update Regarding Birth Certificates



At this past fall's municipal officers' meetings, the Vital Records Office from the Health Department presented to town clerks the changes planned for Birth Certificates. Town clerks were updated on changes occurring to the appearance and printing method of the certificates. The original plan was for those changes to go live on January 1st of this year. However, that implementation has been delayed. The Health Department is working with hospitals to finalize changes to the Birth Certificate and printing method. In addition, the passage of the Intelligence Reform Law may affect some of our final decisions regarding form and appearance of the official Birth Certificate. For these reasons, we are delaying the implementation of the new certificate until later in 2005. A new implementation date has not yet been chosen, but it is likely to be either summer or fall this year. We apologize for any confusion. You should continue to accept and process the standard birth certificate as normal. If you have any questions, please feel free to contact Linda Davis at 802-863-7275. We will send out further updates, including a new implementation date, in the spring and summer of 2005.

Local Zoning Waivers Available to Vermont Farms

By Mark Bosma, Department of Agriculture

Farming operations in the state of Vermont sometimes have special needs that are unique to their industry. Whenever possible, state law has been crafted to meet those needs. One such instance is in the issuance of local zoning waivers to farm operations.

To qualify, the first step is to prove your farm to be a “farm” as defined in state statutes. The definition states that **“Farming”** is:

- a. the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- b. the raising, feeding or management of livestock, poultry, equines, fish, or bees; or
- c. the operation of greenhouses; or
- d. the production of maple syrup; or
- e. the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
- f. the on-site production of fuel or power from agricultural products or wastes produced on the farm.

Zoning waivers are only issued for the construction of farm structures and not for any structures involving human habitation, so once you meet the criteria of “farm” you must also prove your new construction to be a “farm structure” as defined in state law.

The law states that a **“farm structure”** is a structure or structures that are used by a person for agricultural production that meets one or more of the following:

- a. is used in connection with the sale of \$1,000 or more of agricultural products in a normal year; or
- b. is used in connection with raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four raptorial birds (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
- c. is used by a farmer filing with the Internal Revenue Service a 1040 (F) income tax statement in at least one of the past two years; or d. is on a farm with a business and farm management plan approved by the Secretary.

The law requires that anyone proposing to build a farm structure must notify the municipality prior to construction. The law further requires that the structures must be built in accordance with setbacks approved by the Vermont Secretary of Agriculture, Food & Markets.

To apply, you need to provide the Agency of Agriculture a narrative with a sketch of the situation, showing existing and proposed structures, existing and proposed setbacks. The narrative must explain what problems exist between the farm plans and local zoning setbacks and why the plans are unable to abide by local zoning setbacks. The name and telephone number of the town zoning administrator should also be included. Town clerks and local zoning administrators cannot issue waivers; they must come from the State.

For more information, contact Marian White at the Vermont Agency of Agriculture at 802-828-5434, or marian@agr.state.vt.us. For more on the definitions of farming and farm structures, you can go to the Agency of Agriculture web site at <http://www.vermontagriculture.com>

Town Meeting Reminders For Local Officials

Getting Ready at the Polls

Town clerks should furnish presiding officers with one or two certified copies of the checklist, depending on whether the town has opted not to use an exit checklist. 17 V.S.A. § 2507.

Town clerks must also deliver sufficient quantities of the ballots to the presiding officer. 17 V.S.A. § 2479.

The presiding officer should assign specific duties to each election official, ensuring that the election officials work in pairs, with each pair containing members from different political parties if possible. 17 V.S.A. § 2562.



Opening/Closing Polls

In an Australian Ballot Election the presiding officer declares the polls open on the day of the election between 5 a.m. and 10 a.m. (the specific time is set by the board of civil authority or by the voters), and declares the polls closed at 7 p.m. 17 V.S.A § 2581.

Town meeting begins at a time designated by the legislative body, unless the town has voted a specific time at a previous meeting. 17 V.S.A. § 2655.

Public Discussion and Politicking in the Polling Place

In towns that start their annual meeting on one of the three days preceding the first Tuesday in March, and use the Australian Ballot system on Tuesday, public discussions of ballot issues and all other issues appearing in the warning, other than election of officers, is permitted at the Saturday, Sunday or Monday meeting. 17 V.S.A. § 2640(c).

Neither the warning, the notice, nor the ballot itself shall include any opinion or comment by any town body or officer or other person on any matter to be voted on. 17 V.S.A. § 2666.

In an Australian Ballot Election the presiding officer should ensure that within the building containing the polling place no campaign literature, stickers, buttons, information on write-on candidates or political materials are placed, handed out, or allowed to remain and that no candidate, election official or other person distributes election materials, solicits voters or otherwise campaigns. 17 V.S.A. § 2508.

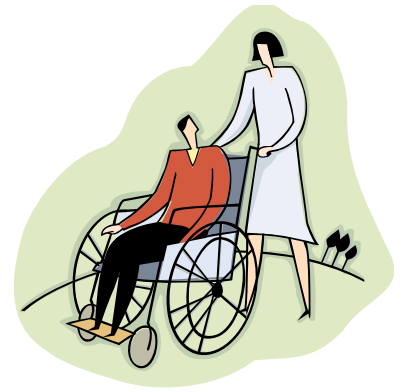
Outside the building, the presiding officer must ensure that voters can enter and leave the polling place without interference from candidates or other citizens. 17 V.S.A. § 2508. The provisions of this section apply equally to election of candidates as to votes on public questions, including the budget, if done by Australian Ballot vote.

Maintaining Order at Town Meeting

In traditional town meeting the moderator must follow reasonable and necessary procedures to ensure that people who are not voters of the town do not vote. 17 V.S.A. § 2656.

The moderator must preserve order in the conduct of business and debate. If a person, after notice, continues to be disorderly and refuses to withdraw from the meeting, the moderator may order him to be removed by the constable or some other person. 17 V.S.A. § 2656. A person who disturbs town meeting may be fined \$200 by the district court.

Remember that while Robert's Rules of Order or some other rule of order must be followed at town meeting, these rules have been modified by state law. For example, the assembly must not reconsider articles already voted once consideration of another article has begun; when a vote declared by the moderator is immediately questioned by one voter, the moderator shall divide the meeting, and if requested by seven voters, the moderator must take the vote by paper ballot; the assembly may take no binding action during the "other business" portion of the meeting; the moderator shall allow sufficient time for voters to cast paper ballots whenever that method of voting is to be used. 17 V.S.A. §§ 2660(d); 2661(a).



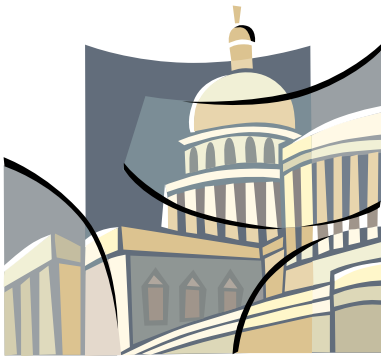
Accessibility of Town Meeting

The legislative body must take reasonable measures to ensure that elderly or disabled voters may conveniently attend town meeting. Sign Language interpreters must be provided, if necessary. 17 V.S.A. § 2667 and the Americans with Disabilities Act. Town meeting must be held in an accessible location.

The board of civil authority must take reasonable measures to ensure that disabled and elderly voters may conveniently and secretly cast their votes. If it is not possible to hold the election in an accessible location, election officials must be permitted to carry a ballot to an elderly or disabled person in order to permit that person to mark his or her ballot while in a motor vehicle adjacent to the polling place. 17 V.S.A. § 2502.

A voter who declares to the presiding officer that he or she needs assistance to vote may bring a person of his or her choice into the voting booth (so long as it is not the voter's employer or union representative) or the voter can ask the presiding officer to direct elections officials to assist the voter. Those rendering assistance may not divulge information about the choice of the voter or manner in which the vote was cast. 17 V.S.A. § 2569.

**democracy: a political system in which the supreme power
lies in a body of citizens who can
elect people to represent them**



Each year, Secretary of State Deb Markowitz honors Vermonters who have demonstrated an outstanding commitment to promoting the tenets of democracy. This year the recipients will be honored in a ceremony and reception on **Monday, February 14 at 3:30 pm** in the State House cafeteria. Chief Justice Paul Reiber will be the featured speaker. The following Vermonters are being recognized for their contributions toward a stronger democracy:

National Association of Secretaries of State Medallion Awards

Denise Barnard, Board of Civil Authority, Richmond

Earl Haynes, *Rutland Herald*

Shira Sternberg, Bennington College

Vermont Secretary of State Enduring Democracy Awards

Burlington Free Press

Laurence Coffin, Oxbow High School, Bradford

Judy Crowley, Former Legislator, Rutland

We invite you to join us as we celebrate the hard work and accomplishments of these outstanding Vermonters. If you can attend the democracy awards ceremony and reception, please RSVP to Janel Johnson, 828-1296 or jjohnson@sec.state.vt.us, by Thursday, February 10th. Thanks!

Announcing New Town Meeting Materials!

The Secretary of State has unveiled a new website for citizens and local officials on Vermont's Town Meeting Day. This new website is designed to help citizens and local officials make the most out of town meeting and includes a newly published **Citizen's Guide to Town Meeting**, a **Handbook for Vermont Moderators**, a **Voter's Guide to Town Meeting Procedure**, a guide to **Petitioning to Get Articles on the Ballot** and many other resources. You can view the website at: www.sec.state.vt.us/townmeeting

Also, please note that the publications **Citizen's Guide to Town Meeting**, and a **Handbook for Moderators** are available in booklet form. We will be sending copies out to town clerks in early February.

Vermont Public Service Awards

*“Far and away the best prize that life offers
is the chance to work hard at work worth doing.”*

President Teddy Roosevelt, 1903

Local officials serve mostly as volunteers. Their commitment to public service - without pay (or adequate pay), without applause, without personal advancement, is a precious gift, a gift we should celebrate. In order to honor the hard work of our many dedicated local officials and to encourage others to serve, we are asking for the help of Town Clerk's in finding long-serving local officials who have provided their communities with 20 or more years of service. We will be traveling to all the counties in Vermont to hold a ceremony and to present certificates of recognition. So that we do not miss anyone, we are asking for your help!

We will be sending out nomination forms and a "*Guide to Nominating Local Officials*" in the coming months, but ask you to begin listing qualifying local officials in your town. **Nomination forms are due in the summer, and award presentations will begin in the fall.**

MEETING THE QUALIFICATIONS In order to qualify for the Vermont Public Service Awards, the person being nominated must meet the following criteria:

- ✓ He or she has served their town for a total of **TWENTY OR MORE YEARS**.
(see FAQ # 4)
- ✓ He or she has either been **APPOINTED** or **ELECTED** as a **LOCAL PUBLIC** official.

FREQUENTLY ASKED QUESTIONS

1. **If a person has moved out of town, but meets the qualifications for the award, can he or she still be nominated?** YES!
2. **Does a district representative or senator qualify for the award?** NO. They are not considered local town officials but rather state officials. They would only qualify if they have served as a local official (selectman, town clerk, etc.) in addition to being a district representative or senator.
3. **What do you mean by local official?** A local official is anyone who has been appointed or elected to a public position in a town.
4. **Can a person who has served both as town clerk and zoning administrator during the same ten years meet the criteria of twenty years or more?** NO. A person who has served two or more different positions for the same period of time does not meet the qualifications for the award. He or she must have served for a total of twenty individual years.
5. **If a person volunteered with the fire department or other town organizations, does he or she qualify for the award?** YES.
6. **If the person is deceased, does he or she qualify for the award?** NO (but there are exceptions, please contact Kathryn Mathieson at 828-2148).

February 2005

February 1:

- Deadline for Tax Collector to turn over moneys collected and settle account with Treasurer. 24:1532
- Last day for Listers to file corrected grand list for preceding year in order to render it valid. 32:4112

February 4:

- *(25 days before Town Meeting)* Auditors must meet by this date to examine and adjust town finances. 24:1681
- *(25 days before Town Meeting)* Town officers must settle accounts with Auditors to be eligible for re-election. 24:992

February 9: *(In towns using Australian Ballot 20 days before election)* Under direction of the Town Clerk, ballots must be back from printer. 17:2681a(a)

February 10:

- Last day for any municipality which has enacted special weight limits, which are other than State legal limits for highways and bridges, to file complete copy of the limitations with the Department of Motor Vehicles. 23:1400b(a)
- Last day for Selectboard to file with Town Clerk annual statement of description and measurement of all Class 1, 2 and 3 town highways, then in existence, including special designations. 19:305(b)

February 12: Lincoln's Birthday. 1:371

February 15: *(At least two weeks before Town Meeting)* Town Clerk must have liquor ballots printed if liquor issue is on Annual Meeting agenda and if town does not use Australian Ballot. 7:163

February 16: VLCT LOCAL GOVERNMENT DAY IN THE LEGISLATURE

February 18: Last day for legislative body to post warning for public informational hearing on any public question to be voted by Australian Ballot at Town Meeting. 17:2680(g)

February 19:

- *(At least 10 days before Town Meeting)* Selectboard must mail or otherwise distribute Town Meeting warning in annual town report by this date to avoid publishing warning in newspaper. 17:2641(b)
- *(At least 10 days before Annual Meeting)* Auditors' Report, or the findings of the public accountant employed in accordance with 17:2651b, must be distributed. 24:1682, 17:2651b
- Last day for Town Clerk to post sample ballots in the same places Clerk has previously posted copies of the warning, notice and checklist. 17:2522(a)
- *(At least 10 days before the election)* Voting machines must be tested using official ballots that are clearly marked "test ballots." 17:2493(b)

February 21:

- Washington's Birthday. 1:371
- Last day for Town Clerk to receive a request for an application for addition to the checklist simultaneously with a request for an early voter or absentee ballot. 17:2532(b)(c)
- *(Second Monday before the election)* Town Clerk's office must be open from 10:00 a.m. or earlier until at least 12:00 noon for the purpose of receiving applications for addition to the checklist. 17:2144(a)
- Last day *(up to 12:00 noon)* for people who are not eligible to register to vote by this date, but who will be by election day, to file a written notice of intent to apply with the Town Clerk. 17:2144(b), (c)
- *(10 days before the election)* Candidates for Town Meeting local election who are spending more than \$500 must file a campaign finance report with officer with whom nominating papers were filed. 17:2822, 2103(13)
- *(During the 8 days immediately preceding election day and on election day)* In towns using Australian Ballot, Town Clerk must give each pair of Justices the exact number of ballots, envelopes, and list of ill or physically disabled voters to be visited. 17:2538(b),(c)

February 24:

- *(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)
- *(Five days before Town Meeting)* Treasurer must settle accounts with Auditors. 24:1578
- Town Meeting Warning must be published in newspaper by this date if town report has not been distributed otherwise. 17:2641(b)

February 26: *(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)

February 26-27-28: *(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)

February 28:

- 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)
- 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 for Town Meeting. 17:2454
- Town Clerk or other Presiding Officer must notify Election Officers of their hours and duties. 17:2455

March 2005

March 1: TOWN MEETING DAY (First Tuesday in March). 1:371, 17:2640(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 ballots. 17:2548(a)
- *(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
- 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)
- *(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
- *(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, if authorized, or Board of Civil Authority may act on applications until polls are closed. 17:2144b(c)
- Moderator opens business meeting at the time established by Legislative Body (unless town voted otherwise at a preceding meeting). 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. 17:2583(a)
- In towns using Australian Ballot, Presiding Officer directs Election Officials in counting ballots. 17:2581, 2582
- In towns using Australian Ballot, Presiding Officer must seal all ballots, entrance checklist(s) and tally sheets. 17:2583(a), 2590(a), 2689
- *(Immediately after vote is counted)* Under the direction of the Legislative Body, the Town Clerk shall announce and post the results of any charter amendments. 17:2645(b)

March 2: *(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 6: *(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 7: *(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 8: *(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 11:

- *(Within 10 days after election)* Last day for a defeated 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 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 16: *(Within 15 days after an election)* Last day a voter contesting any Australian Ballot vote can file 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)

March 30: *(22 days after warning; warning within seven days after election)* Last day a run-off election may be held. 17:2682(e)

Quote of the Month

“The best portion of a good man’s life is his little,
nameless, unremembered acts of kindness and of love.”

William Wordsworth

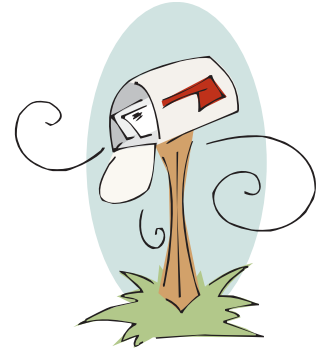


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