

Opinions

Office of the Vermont Secretary of State



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August 2004



A Message from the Secretary

August is often referred to as the “dog days of summer”* – the days we laze around in the summer heat. Of course this is not true for our local officials. For town government August is the time to get ready for the fall. It means grading roads, cutting brush and trimming trees. It also means

preparing in earnest for the fall elections.

Our boards of civil authority know that there is more to running Vermont’s elections than creating checklists and testing tabulators. In fact, the greatest challenge for those charged with running Vermont’s elections is doing what needs to be done next — before a deadline passes.

To help ensure our elections run smoothly we have sent every town the “2004 Election Perspectives.” The “2004 Election Perspectives” is designed to be used both as a general introduction to the election process and as a helpful, step by step, reference for conducting elections. This handbook covers the law for the Vermont Primary and General Elections.

In an effort to make this resource easy to use, each section of the “2004 Election Perspectives” is written to stand on its own. Different chapters describe the roles and responsibilities of each of the different players in the election process, from the presiding officer to the board of civil authority. A review of the handbook in its entirety should help each player understand how his or her role fits in with the overall election process.

In addition to publishing the Elections Perspectives, this year the office has sent out a comprehensive election

calendar and has conducted 16 election trainings. With two more to go before the September Primary Election we feel confident that the folks who run the elections in your towns are prepared for the tasks that await them.

I hope you enjoy these last precious moments of summer. But as fall approaches and the election draws near, feel free to put down your iced tea, leave the pool side, and call our office with your questions. You can call us toll-free at 1-800-439-8683.

*August was originally called the “dog days of summer” because this is the time that Sirius, the “dog star,” rises and sets with the sun.

Deborah L. Markowitz, Secretary of State

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Voice from the Vault

By Gregory Sanford, State Archivist

No Whine Before Its Time

I may have mentioned (whined about?) the range of legislatively-mandated projects that the Archives is currently engaged in. Well, as they say, “no whine before its time,” so let me forego the pleasuring of kvetching and instead summarize the status of some of these projects and some of the issues they raise.

Municipal scanning pilot projects. This project was established by the capital construction bill (Act 121, Section 9). The project participants have met twice. They decided to focus on scanning records that have to be kept ten years or less since the recently created Municipal Land Records Commission is charged with examining permanent records in an electronic environment (see below). The goal of the pilot projects is to identify technical scanning standards, offer model requests for proposals, and then test these standards and models on records within the five participating municipalities. The group has to report to the legislature by January 15, 2005. Commissioner Tom Torti of Buildings and General Services is the chair of the group.

Municipal Land Records Commission. This project was established by the appropriations act (Act 122, Sections 78a through 78e). The commission was given a range of responsibilities including standards for digitizing land records. The Governor hopes to have all members of the commission appointed by early August. The commission must report to the legislature by January 15, 2006. There is no chair yet, but I am to convene the first meeting.

Records law/privacy study. Act 158 mandated that the Legislative Council conduct a “study of public records law, technological advances, and associated privacy concerns.” No report date was included, though the act sunsets on June 30, 2005. This law temporarily exempts from disclosure social security numbers that may appear in certain municipal tax records. There is a separate study, created by Act 155 (identity theft), that will look at the use of social security numbers in general. There has been one public meeting so far at which general concerns were discussed and some specific topics were recommended for study. Mike O’Grady of the Legislative Council is the chair of the study.

The Archives is also working on projects involving early court records and digitizing legislative committee tapes dating back to 1985. Though these are somewhat disparate projects there are certain common threads woven through them. One is how to keep the focus on records and recognize technology as a recordkeeping tool. For example, while it is true that electronic record and communication systems can create greater access, with a concomitant rise in privacy concerns, the core issues remain defining what is a public record, making sure that any personal information collected by governments is essential to the purpose for which it was collected, and understanding the public or operational goals in making information broadly available in electronic form or otherwise. These are primarily record, not technology, questions though our answers should shape system design when implementing technology projects.

Another thread is the costs of not managing records. As we examine pre-1845 court records, for example, it has become clear that there is no existing guide to what records are where or, once located, how to find specific cases.

This creates a Catch-22 that complicates developing adequate resources. Since it is extremely difficult to access older court records they are under-utilized. Lack of use detracts from the importance of the records, making competition for limited resources difficult, further contributing to neglect and under use. This also raises difficult choices for each project about balancing retrospectively addressing the consequences of neglect, and prospectively avoiding the duplication of inadequate recordkeeping.

Projects involving public records on audiotape illustrate many levels of the problem. Tape recordings were an early example of using a technology to enhance recordkeeping. Minute taking, however, often declined once tape recorders were used since the tapes captured all conversation. Frequently even basic indexing, such as using the rotation counter to identify when a particular speaker or issue was being recorded, was ignored, complicating access and discouraging use. Like computer-based records, tapes are dependent on changing technologies in order to be accessed. Yet few sustainable management plans were in place; no migration occurred when cassettes replaced reel to reel players; back-ups were not consistently made; tapes were not periodically refreshed (copied to new tapes) and began to suffer bleed through, stretching, and a host of other threats. Retrospective efforts to digitize analog tapes turns out to be very expensive, in part because the transfer can only take place in real time (it takes one hour to transfer a one hour tape to digital form); when, as in the case of legislative tapes, there is a backlog of over 40,000 hours of tape, the costs are overwhelming. The implementation of digital recordings of public hearings appears to be duplicating past problems (lack of sustainable management plans, for example).

For all the disheartening aspects of these projects, this is a time of tremendous opportunity for recordkeepers. These projects, by developing baseline information and providing concrete illustrations of the consequence of poor recordkeeping, are providing us with tools for giving effective voice to our concerns. The opportunity is there to improve recordkeeping; it is up to us to take advantage of it.

Rabies Vaccinations

This past legislative session 20 V.S.A section 3581 was amended to permit three years rabies vaccines. The transition is a bit confusing so we asked Dr Bob Johnson, State Public Health Veterinarian to explain what is required.

According to Dr. Johnson, vaccinations given before 7/1/04 are good for one or three years depending upon whether the vaccination was primary or a booster. The rabies certificate should clearly indicate the date vaccinated and the date expired. If the vaccination was a primary vaccination, then the vaccination is a one year vaccination. If the vaccination was a booster, then the certificates prior to 7/1/04 would indicate a two year vaccination. These two year certificates are valid for three years from date of booster.





Opinions of Opinions

1. **The voter checklist is public record.** The checklist from each election must be kept for five years following the election and made available at cost to the public. 17 V.S.A. §2590. Although the ballots and tally sheets may be destroyed 90 days after a state or local election, and 22 months after an election including federal offices, the exit checklist, or if none, the entrance checklist must be retained for five years.
2. **Board of abatement can only abate in situations allowed by statute.** The Board of Abatement can only exercise those powers specifically delegated by statute, and cannot exceed those powers. 24 V.S.A. § 1535 provides the complete list of reasons for abatement of local property taxes. These are the only reasons that local property taxes can be abated. If a local property taxpayer wants to challenge the assessment or fair market value listing of his property, a property tax appeal process is available to the taxpayer every April. If a resident requests a hearing, is notified of the hearing date, but does not appear for the hearing as scheduled, the Board of Abatement can still decide to grant or deny the request.
3. **Poll watchers must be allowed to observe the elections.** Vermont law provides that each party, candidate, or committee may have two representatives outside the guardrail (at least six feet from the voting booths and ballot boxes) for the purpose of observing the voting process. 17 V.S.A. §2564. These poll watchers have the right to hear the name of each person seeking to vote. However, election officials do not have to do extra work for the observers. For example, if the observers leave the polling place for an hour, election officials do not have to go back and reread names of people who voted during the observer's absence.
4. **Small towns must make checklist available twice on Election Day.** In towns with less than 500 voters on the checklist, each party, candidate, or committee has the right to view the checklist two times during polling hours. 17 V.S.A. §2572. The candidate, party or committee interested in viewing the list must make a request to the Board of Civil Authority in writing at least 12 hours before the opening of the polls. This provision is intended to be an alternative to poll watching in small towns where it might be difficult for a candidate or party to find a citizen who could observe or poll watch during the entire day. The presiding officer can reasonably require that the viewing take place at times when the election workers handling the entrance checklist are not busy with voters.
5. **The public may observe the election.** The polling place is a public space, and so long as members of the public are not being disruptive by, for example, distracting the election workers, talking loudly or by politicking in the polling place, they should be allowed to observe. The presiding officer may make reasonable rules to ensure that observers do not disturb the election in any way.
6. **Person with two offices only has one vote on BCA.** When a person is elected both as a Selectboard member and as a Justice of the Peace, that person is only entitled to one vote on the Board of Civil Authority. The number of board members on the full board is also reduced by one for purposes of calculating a quorum. For example, if a town normally has a BCA made up of five selectboard members, 15 justices and a town clerk, the board would be 21 members and a quorum for other than election purposes would be 11. If, however, in the same town, two selectboard members were also elected Justices of the Peace, the board would be 19 members and a quorum for other than election purposes would be 10. A person cannot cast two votes by virtue of being elected to two different offices. **NOTE: For tax appeals, at least 3 members must be present and then decisions can be made by majority vote of the board members present.**

- 7. Constable's law enforcement authority is limited to town in which he was elected.** Constables in Vermont, whether elected or appointed, do not have any law enforcement authority outside of the boundaries of the town in which he or she was elected. *State v. Hart*, 148 VT 104 (1987). While municipal police officers were given authority by the Legislature in 1988 to exercise statewide jurisdiction, constables were not included. A constable should be very careful not to misrepresent his authority outside of his town. For example, if a constable represented himself/herself to be a "police officer" with full authority when in a car accident out of state, it is possible that the constable may be charged as impersonating a police officer under a statute in the other state.
- 8. Municipality may allow Constable in neighboring community to work in town.** 24 V.S.A. § 1936a (d) permits a municipal legislative body to vote to allow a constable elected or appointed in another municipality to exercise law enforcement authority in its municipality, so long as that constable is not prohibited from exercising law enforcement authority in his or her own community and so long as the constable has completed the training requirements for a full-time or part-time law enforcement officer, and the legislative body adopts policies and procedures establishing the circumstances under which the authority may be exercised.
- 9. Selectboard cannot control elected Constable.** Vermont law gives most elected officials independence – making them accountable only to the electorate. This means that even if the selectboard is unhappy with the performance of a constable it cannot tell a constable how to perform – or not perform – his or her duties. Unless a salary is voted at town meeting, the board can control what the constable is paid. However, there are many instances of constables continuing to perform their functions for no pay. 17 V.S.A. § § 2646, 2651(a).
- 10. Constable must post a bond to hold office.** In an extreme situation the selectboard of a town can create a vacancy in the constable's office by giving the bonding company enough information about the constable for them to revoke his or her bond. Vermont law provides that if the bond is revoked the constable must produce a new bond within ten days (at the town's expense) or there is a vacancy in the office. 24 V.S.A. § 832.
- 11. Voters may vote to restrict law enforcement authority of Constable.** Vermont law permits a town to vote at a special or annual town meeting to prohibit constables from exercising any law enforcement authority; or to prohibit constables from exercising any law enforcement authority without having successfully completed law enforcement training. 24 V.S.A. § 1936a. Constables who do not have law enforcement authority may still serve civil or criminal process, destroy animals in accordance with Vermont's animal control law, kill injured deer when required by law, provide assistance to the health officer in the discharge of the health officer's duties, serve as a district court officer, remove disorderly people from town meeting, and collect taxes, when no tax collector is elected.
- 12. Justice of the Peace nominations are in September.** On or before September 17, 2004, Justices of the Peace may be nominated by major or minor party caucus. If the caucus fails to meet JPs may be nominated by major or minor party committee or an individual may submit a petition as an Independent to the town clerk to be placed on the ballot for the General Election. 17 V.S.A. §2413. The Elections Division has sent a memorandum to each town clerk and all organized parties in Vermont outlining the procedures for nomination of Justices of the Peace. Generally, the major parties set a date for all town caucuses at the end of August (the caucuses must meet before the first Tuesday in September). Each party can nominate a full slate of Justices of the Peace (as many JPs as your town has voted to elect.) Historically, some town major party committees have had a "gentlemen's agreement" to only nominate one-half the number of JPs. Note that this practice is NOT legally required and is not a binding agreement. Town party committee chairs and party members should call state party officials for more information about nomination of Justices of the Peace.
- 13. Voter registration due September 7th for the primary election.** Applications to the Checklist (Voter Registration applications) must be received by the Town Clerk where the applicant has his legal address (principal dwelling place) on or before Noon on Tuesday September 7, 2004 in order to be able to vote in the 2002 Primary Election on September 14, 2004. 17 V.S.A. §2144 If you are assisting in a voter registration drive, please make certain that all applications are in the offices of the Town Clerks before the deadline.

- 14. First time voters who register on their own - by mail – must provide identification before voting.** The new election law requires that any person who registers to vote for the first time in Vermont by mailing in a registration form must provide a copy of identification with the application or at the polling place before voting for the first time. Acceptable forms of identification are: current and valid photo identification, copy of current utility bill, current bank statement, or copy of another government document that shows current name and address of the voter. Voters who register in person or through a voter registration drive, motor voter, application delivered by a candidate, political party members or JPs do NOT need to provide a copy of identification. This requirement is only for citizens who submit an individual application on their own by mail.
- 15. Minutes of a meeting are not a transcript.** Minutes of a meeting of a public body should not attempt to be a transcript of the meeting or a complete restatement of all public discussion at the meeting. 1 V.S.A. §312 It is a better practice to keep the minutes short so that an interested person can easily tell what action was taken at the meeting. The inclusion of comments or dialogue that might take place during a meeting is a distraction that can cause citizens and/or board members to spend more time at meetings debating the accuracy of the “transcriptions” and dialogue recorded in minutes of past meetings than on the new action items. Section 312(b) provides a list of what must be included in minutes. In summary: Record all motions whether adopted or defeated, name of the maker of the motion, number of votes on each side in a motion, names of board members present, names of active participants in the meeting. Do not record discussion (except the topic) or expressions of personal opinion. We suggest that you use the statutory list as your guide and do not try to capture individual statements except when made as a motion.
- 16. Board can meet in home so long as public are invited.** No law requires meetings of municipal board to be held in a public building. However, the law requires that meetings of board be “open to the public” (except when it is a deliberation in a quasi-judicial matter.) 1 V.S.A. § 312(a). A board may meet in a private home – so long as the public is welcome to join them there.
- 17. Appointment discussions can be made in executive session.** The law permits a board to discuss “the appointment or employment or evaluation of a public officer or employee” in executive session. 1 V.S.A. section 313 (3). Because elected and appointed officials are public officers, the selectboard can go into executive session to consider various applicants for appointment to fill vacancies, or for appointment to town boards. Although the discussion and a straw vote may be taken in the executive session, the actual votes must be taken in the open meeting so that the public can see how board members have voted, and those votes must be reflected in the minutes of the meeting.
- 18. Minutes do not need to be taken of executive sessions.** The law does not require boards to take minutes of an executive session. However, the vote to enter executive session, including the stated reason for moving into an executive session should be recorded in the minutes, as well as the vote on any action taken after the close of the executive session. 1 V.S.A. § 313.
- 19. Condominium association not subject to the open meeting law.** The open meeting law only applies to the meetings of public bodies. 1 V.S.A. § 312. A condominium association is not a public body. A ‘Public body’ means “any board, council or commission of the state or one or more of its political subdivisions, any board, council or commission of any agency, authority or instrumentality of the state or one or more of its political subdivisions, or any committee of any of the foregoing boards, councils or commissions, except that “public body” does not include councils or similar groups established by the governor for the sole purpose of advising the governor with respect to policy.” 1 V.S.A. § 310.
- 20. There is no “leave of absence” from public office.** The law does not permit someone to take a leave of absence from an elected or appointed office. If a person is unable to fulfill the duties of the position they hold, they should probably step down so that the position can be filled with someone able to do the job. Note that a board member who is out of town for a period of time may be able to continue to serve from a distance as it is possible for a person to participate in board meeting by telephone conference.

- 21. Board can reconsider votes.** No law would prevent a board from reconsidering a previous vote. A member of the board can ask that a reconsideration be placed on the agenda of the meeting and then can make a motion to reconsider the previous action. If such a motion is voted positively then the original action can be changed.
- 22. Documents must be available during office hours.** In one town the clerk decided that in order to stay current with her work she would close the office to the public one afternoon a week. The public records law (1 V.S.A. §316) provides that custodians of public documents must make documents available to the public for inspection between nine and noon in the morning and one and four in the afternoon unless the public agency is not regularly “open to the public” during those hours. If the agency is not open those hours then inspection or copying of records may be made during customary office hours. This means that so long as the time the clerk is using to catch up is not part of customary office hours the clerk can keep the public out so that he/ she can stay current with her recording.
- 23. Custodian can require records to be reviewed in the presence of a town employee.** A public agency may make reasonable rules to preserve the security of public records or documents, and to protect them from damage. 1 V.S.A. §316. It is not unreasonable for the custodian of public records to require the presence of a town employee when records are being reviewed to ensure that no papers are removed from the office.
- 24. Custodians of records are not required to find and fax.** The public records law does not require the custodians of records to fax copies of documents to anyone, or require that the custodian conduct research to find documents. While each custodian can establish additional office practices, we caution clerks and others to be aware of potential risks of liability for the town if a requested document is missed or the wrong document is sent.

ERRATA:

In last months Opinions, #10 contained an incorrect statute. The statute cited was 17 V.S.A § 2804 but the correct statute is 24 V.S.A § 2804. We apologize for this error.

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.

Quote of the Month

“Difficulty is not an excuse for doing nothing at all.”

- Sandra Steingraber



On the Road to the Election

By Janel Johnson, Elections Outreach Coordinator

Honor A Vet With Your Vote

We are happy to offer the **Honor a Vet with Your Vote** program again this year. The **Honor a Vet with Your Vote** program provides personalized buttons to voters who wish to cast their vote in honor of a particular veteran. During the 2002 elections more than 2,000 veterans were honored in this way.



This year, in order to broaden the program, we are inviting town clerks and other town officials to sponsor an **Honor a Vet with Your Vote** button drive in their communities. If you wish to run an Honor a Vet button drive we will send you all of the materials you will need, including sign up forms, buttons and markers for personalizing the buttons. We have already sent posters to every town advertising this important program and are happy to send additional posters upon request.

To sign up to run a button drive go to www.govotevermont.com or contact me at (802) 828-1296 or e-mail jjohnson@sec.state.vt.us.

Even if your community does not choose to sponsor a button drive, your voters can still participate by requesting a button from their local veteran's organizations or by ordering a button through the Secretary of State's Office at www.govotevermont.com.

We look forward to working with you to honor the contributions of our nation's veterans.
- Janel

Announcing the 2004 Centennial Nonprofit Awards



The 2004 Vermont Centennial Nonprofit Awards program honors Vermont's oldest nonprofits. Any nonprofit that has operated continuously for 100 years or more in Vermont is eligible to participate in the Centennial Awards program.

We believe that it is important to recognize Vermont's oldest nonprofits for their many contributions to the State of Vermont. It takes a tremendous amount of dedication and support to keep a nonprofit active for 100 years or more. We hope that this program will deepen our understanding of how Vermont's nonprofits have enhanced our community life during the last hundred years.

Visit our website for more information: www.sec.state.vt.us

How Do YOU Make Town Meeting Great?

Town Meeting Day in each Vermont community has its own unique flavor, and some towns have traditions and techniques that really make their gathering bloom. How about your town?



In Greensboro, town meeting is where the secret of who will receive the annual “Greensboro Award” is revealed. In Middlesex, a “Middlesex Operator’s Manual” outlines how to participate in town meeting and other community affairs. In Tinmouth, the town moderator composes an original poem to begin each year’s gathering!

What makes your town meeting work? Whether the ideas are process-oriented or playful, we’d like to hear them. Please send them by September 1 to:

Susan Clark
42 McCullough Hill Rd.
Middlesex, VT 05602

email: sclark@sover.net
phone: 223-5824

The best ideas will be featured in an upcoming book by Frank Bryan and Susan Clark on rediscovering the secrets of town meeting and community.

Tip of the Month from the VMCTA



This month's tip is from Kathy Mikkelesen, Lincoln Town Clerk



Lately I have been receiving two copies of the Pttr’s from lawyers - one labeled State and one labeled Town - which means filling out the bottom on two forms! I know, that’s not much, but it’s more than I am willing to do some days, esp. since I need to make 4 copies of them anyway! I rip up the town copy and enclose a note on our letterhead with this message; “Please do not send two PTTR’s - when I make copies, I put a post-it over the SS #’s to block them out and the State receives the original, with the numbers on it. Thank You, Katherine Mikkelsen, Town Clerk”.

If you think this is a good idea, you may use all or some of it.

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 them to:

Sandy Harris- VMCTA President
Town of Vernon
567 Governor Hunt Rd
Vernon, VT 05354

August 2004

August 2:

- Last day to file Form 941 (*Quarterly Withholding Return*) with Internal Revenue Service.
- Last day for officials who have received supplementary petitions from candidates to notify the Secretary of State of the status of such petition (*not later than two days after the last day for filing supplementary petitions*). 17:2359, 2103(13)

August 5:

- Last day for Town Clerk to request additional ballots for the primary election from the Secretary of State. 17:2478(d)
- Last day for Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501

August 10: Town Clerk will receive at least five copies of the primary warning and notice for each polling place by this date. The Town Clerk should list the polling place, address and the time polls open in the blanks on each warning. 17:2521(b)

August 15: (*Not less than 30 days before the election*) Last day for posting warning, notice, and most recent checklist of the town for the primary election. In towns that divide their checklist, that portion of the checklist that applies to the district should be posted. 17:2521(a), 2141, 2501

August 16:

- Town Clerks will receive prepared primary ballots by this date. Clerks should store the ballots, except those used for sample or absentee ballots, in a secure location, until the date of the primary election. Clerks must return receipts for the ballots to the Secretary of State as soon as possible. 17:2479, 2103(13)
- Bennington Battle Day. 1:371

August 25: Last day for Town Clerk to post sample ballots (for primary election) in the same places they have previously posted copies of the warning, notice and checklist. 17:2522(a)

September 2004

September 3: (*60 days before the general election*) First day for candidates for the office of Justice of the Peace to file statements of nomination with the Town Clerk. 17:2386, 2387, 2402(d).

September 4:

- Last day for Town Clerk to post sample ballots (for municipal election) and official voter information cards in the same places they have 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)

September 6: Labor Day. 1:371

September 7:

- 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)
- Last day for Town Clerk to receive a simultaneous request for an application for addition to the checklist accompanying an early or absentee ballot request. 17:2532(b), (c)
- (*During the eight days immediately preceding election day and on election day*) Town Clerk must give each pair of Justices the exact number of absentee ballots, envelopes, and list of early or absentee voters who are ill or physically disabled to be visited. 17:2538(b), (c)
- (*On or before the first Tuesday in September*) Upon the call of the town committee, party members in town may meet in caucus and nominate candidates for Justice of the Peace; if no caucus is held, the town committee meets and nominates candidates. 17:2381(a)(3), 2413

September 9: (*At least five days before primary election*) Last day for Town Clerk to forward to Board of Civil Authority a list of voters added. 17:2144b(d)

September 11: (*At least three days before the primary election*) Board of Civil Authority must have designated pairs of Justices of the Peace, assuring political balance in each pair, to deliver absentee ballots to ill or disabled voters. 17:2538(a)

September 2004

September 13:

- Board of Civil Authority must appoint a Presiding Officer if the Town Clerk or other regular Presiding Officer is unable to preside at the election 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. 17:2454
- Town Clerk or other Presiding Officer must notify Election Officers of their hours and duties. 17:2455
- 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 on this day. 17:2531(a), 2532(a)

September 14:

- **PRIMARY ELECTION DAY** 17:2351
- (*Before polls open*) Town Clerk must give Election Officials a list of those voters who have already cast absentee ballots. 17:2548(a)
- (*Before the polls open*) The Presiding Officer must post copies of the warning and notice, sample ballots, and voter information cards. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballot. 17:2523(a), (b)
- Polls must be open 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*) 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 election day and had notified the Town Clerk of intent to apply for addition to the checklist, the Town Clerk or Board of Civil Authority may act on applications until polls are closed. 17:2144(b), (c)
- 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)
- Presiding Officer directs Election Officials in counting ballots. 17:2581, 2582
- Presiding Officer must seal all ballots, entrance checklist(s) and tally sheets. 17:2590(a), 2689, 2583(a)

September 15:

- (*No later than 24 hours after polls close*) 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
- Last day for Town Clerk to remit to State Treasurer an accounting of dog and wolf-hybrid licenses sold and remit the license fee surcharge for an animal and rabies control program. 20:3581(f)

September 16: (*Within 48 hours of the closing of polls*) Town Clerk shall deliver one certified copy of each primary election return to the Secretary of State, county clerk, representative district clerk and senatorial district clerk. 17:2588

September 17:

- (*No later than 5:00 p.m. on the third day following the primary election*) Last day for candidates for the office of Justice of the Peace to file statement of nomination and consent form with the Town Clerk. 17:2361, 2386, 2387, 2402(d).
- Last day (no later than 5:00 p.m.) for independent candidates to file a certificate of nomination and consent with the Secretary of State. 17:2402(d), 2386(a)
- Last day (up until 5:00 p.m.) for validly nominated candidates to withdraw their names from the general election ballot by filing a written notice with the Town Clerk in the case of a Justice of the Peace, or with the Secretary of State in the case of all other offices. 17:2412

September 23:

- (*At least 40 days before the election*) Last day to request additional ballots for the general election from the Secretary of State. 17:2478(d)
- **23** Last day for the Board of Civil Authority to designate polling places and, if necessary, divide the checklist according to geographic boundaries. 17:2501

September 24:

- (*Within 10 days after the election*) Last day for a losing candidate to request a recount. 17:2602(b)
- Last day for persons nominated by any means for the same office by more than one political party to elect the party or parties for which they will be candidates. 17:2474(a)

September 28: Town Clerk will receive at least five copies of the general election warning and notice for each polling place by this date. The Town Clerk should list the polling place, address and the time polls open in the blanks on each warning. 17:2521(b)

September 29: Last day a legal voter may contest results of the primary election (within 15 days after the election). 17:2603(c)

September 29-30: VLCT ANNUAL MEETING and TOWN FAIR

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Office of the Vermont Secretary of State
August 2004

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