



# Opinions

Office of the Vermont Secretary of State

Vol. 10, #10

November 2008

## ELECTION NIGHT

Contact information  
for Elections Division  
staff

see page 11

## Quote of the Month

Do you ever get the feeling  
that the only reason we  
have elections is to find  
out if the polls were right?

*Robert Orben*

## In this Issue

Quote of the Month.....	1
Voice From the Vault.....	2
Tip of the Month.....	3
Opinions of Opinions.....	4
Civics Behind the Scenes.....	8
Upcoming Events.....	8
Municipal Calendar.....	9

## A Message from the Secretary

This fall I had the pleasure of visiting schools across Vermont to talk about the elections. I bring a wheel of fortune filled with civics questions. The kids spin the wheel and then get buttons or stickers for answering the questions correctly. Can you name four political parties? What state has the most Electoral College votes? What is the term of office for a U.S. House member? Can you vote even if you are sick and cannot come to the polling place? I was surprised by how much our kids know about politics and elections.



There was one thing that the school kids almost never knew. Indeed, like most adults in Vermont, our children had no idea that preparing for an election takes many months of work. They were surprised to hear that we begin to prepare for the next election not long after the previous election is over. They were also surprised to learn that it takes so many people in every town to run an election. The clerk, board of civil authority members, and assistant election workers, many of whom serve as volunteers, are essential to making our democracy work.

There is a lot to running an election, from managing the voter checklist, to helping voters understand the laws, to handling hundreds of absentee ballot requests, to making sure the tabulators are working properly, and the election workers are properly trained. And this year, in addition to the usual election administration work, towns across Vermont have participated in outreach efforts to voters with disabilities; they have given out "Honor a Vet with Your Vote" buttons and have helped their local schools run mock elections with Vermont Votes for Kids. No wonder we will all need a vacation when this is over!

I want to applaud the great work of the town clerks and boards of civil authority around the state who are so diligent in ensuring that the elections run smoothly. The strength of Vermont's democracy is the result of your hard work! I thank you. I also want to applaud the great work of the Elections Division staff: Kathy DeWolfe, Melanie Hodge, David Crossman and Katie Lane-Karnas, as well as Missy Shea, the Voter Outreach Coordinator.

I hope it all goes smoothly this year. But in case it does not, we will be available to take your elections calls and questions from 7:00 a.m. to 9:00 p.m. on Election Day. You can call 800-439-8683 or 802-828-2363.

Happy counting!

Deborah L. Markowitz, Secretary of State

## Election Questions

Election seasons always bring a spate of questions from the news media and others looking for context, seeking to confirm superlatives (“this is the first...”), or, I occasionally suspect, seeking something fresh after everything has been said. While I am writing this in October so more questions may be lurking out there, I thought I would share some of the questions we received.

We were asked whether a Vermonter had ever run for president. Howard Dean sought the Democratic presidential nomination in 2004 but, of course, fell short (though his use of the internet for mobilizing supporters and fund raising presaged the current candidates’ use of digital communications). Calvin Coolidge did serve, but was no longer a Vermont resident when he ran. We believe the honor falls to John Wolcott Phelps of Guilford who ran as the American Party’s candidate in 1880. He received 1,045 votes in the national election.

Here I must pause and apologize to long-suffering readers since the 1880 election produced one of my favorite campaign quotes, one that has appeared in previous columns. A New York Democratic newspaper contemplated Vermonters influencing the Empire State’s 1880 vote, warning that, “From the slums of the Green Mountains, the unclean alleys and blind lanes of Woodstock, Bethel, and Pompanoosuc, are to come the brawlers who shall terrify the peaceful citizens of Cow Bay and Mackerelville [NY] and vote the Republican ticket early and often.”

That New Yorkers feared Vermonters influencing the Republican, not American Party, vote leads to another question we received. The most interesting form of the question came from a reporter assigned a story comparing the Republican allegiance of Utah to the Democratic allegiance of Vermont in presidential elections. Unknown to the reporter, the assignment was serendipitous in that there is an earlier Utah/Vermont link: in 1912 only Vermont and Utah voted for the Republican presidential candidate William Howard Taft. Vermont was the most Republican state in the nation for over a century and did not vote for a Democratic presidential candidate until the Lyndon Johnson/Barry Goldwater race of 1964. Utah occasionally faltered in its Republican fealty and in 1936 only Vermont and Maine voted for Alf Landon, the GOP presidential candidate. To show how things have changed, some reporters of more recent vintage called to inquire whether Vermont had ever voted Republican.



*Alexander Twilight*

An unanticipated question was whether Vermont had ever elected a woman of color to the legislature. The answer is yes, Louvenia Bright of South Burlington served in the Vermont House for three terms between 1889 and 1894. Many readers are aware that Alexander Twilight of Brownington became, in 1835, the first African-American to be popularly elected to a state legislature.

Since we hold campaign finance records we routinely receive calls about trends in campaign spending. Media costs are one of the drivers of campaign spending and the first reported use of radio was by Frank Partridge, who ran in a special election for the U.S. Senate in 1932. The first reported use of television advertising was by Robert Stafford in his 1958 race for lieutenant governor. Paul Gillies, who once read

through all our campaign finance reports, discovered that the majority of statewide candidates prior to 1945 funded their own campaigns (at the time only primary expenses had to be reported; victory in the Republican primary was tantamount to election. As a further side, there were no contested Democratic primaries for statewide office from 1916 until 1960). The first candidate to report not spending any personal money was Robert Stafford in his 1964 primary for the Republican nomination to the U.S. House; all of the \$587 he spent was from contributions.

Finally, as is often the case when there are at least three candidates for governor, we received questions about what would happen if none of the candidates received the constitutionally-required majority. The election is then decided by the joint assembly, which occasions further inquiries about any cases when someone other than the plurality candidate was chosen. That last occurred with the lieutenant governor's race in 1976. Several legislators, who would have voted for the plurality winner, knew that the candidate was about to face criminal charges related to his insurance business. They consequently supported the second place finisher providing enough votes to put him over the top in the joint assembly vote.

There have been a few scattered other examples of the joint assembly choosing someone other than the plurality winner. The most spectacular case was the 1837 state treasurer's race when the third place finisher, who had received only 3.7 percent of the vote, was elected by the joint assembly. Of course history often provides mixed messages. In 1837 the third place finisher refused to serve. Since the joint assembly had fulfilled its constitutional obligation by electing a treasurer, they could not hold a second vote. Ultimately the governor appointed a treasurer to fill the vacancy.

Those interested in learning more about our electoral past can visit our website to learn the results of state officer races (<http://vermont-archives.org/govhistory/elect/index.htm>); see state officer campaign finance totals ([http://www.sec.state.vt.us/seek/fin\\_seek.htm](http://www.sec.state.vt.us/seek/fin_seek.htm)); follow the original arguments over a direct primary (<http://vermont-archives.org/govhistory/governance/Primary/direct.htm>); or learn about the majority requirement for election (<http://vermont-archives.org/govhistory/governance/Majority/majority.htm>)



## Tip of the Month

To save time while entering new voters in the Statewide Checklist, remember that the Physical Location address field should be left blank unless the voter falls into a specific category: in jail, overseas, homeless, in the military, in the Safe at Home program, or submitted an E911 Confidentiality Form. There is no need to data enter anything into the Physical Location field for voters unless they fall into one of those categories! For more info, see pages 10 and 11 of your user guide.

Please call Katie Lane-Karnas or Melanie Hodge at the Elections Division if you have any questions about how to get tasks done in the statewide checklist or the absentee ballot tracking Access database—which also offers towns some alternate layouts for entrance checklists.

- Submitted by Katie Lane-Karnas, VT SOS Election Administrator

*If you have a tip you would like to share, please contact John Cushing, VMCTA President, at [jcushing@town.milton.vt.us](mailto:jcushing@town.milton.vt.us)*

**1. No politicking in the polling place.** Tell your election officials and any poll watchers never to mention the name of a candidate during the hours the polling place is open. That way there will never be an occasion for anyone to accuse an election official of promoting a particular candidate. In explaining the voting process to a voter, describe the ballot as if there were no names written on it. Use “this candidate” or “that candidate.” The polling place should be like the “clean room” in a science lab: free of all politics, even a suggestion of one.

**2. Limiting signs at the polling place.** Vermont law permits the presiding officer at an election to decide whether and how to limit or prohibit political signs outside of the polling place on the day of an election. The presiding officer cannot prohibit people from holding or carrying signs, or having stickers or signs on cars in the parking lot, but the presiding officer could set a rule that keeps the front lawn clear of unaccompanied signs (signs that are planted in the ground without a campaign worker or candidate standing nearby). It is important to put your policy in writing and to carefully enforce the policy throughout Election Day so that it applies equally to every candidate and to every party.



**3. What goes into a ballot bag.** When you are done for the evening, after the counting is completed, the presiding officer and one election official should review the “packing list” provided in Appendix J of the 2008 Elections Procedures to organize your materials for return to the town clerk’s office outside of the bag—such as your entrance checklist, summary sheets, and tabulator tapes and also use the list to place required materials in the ballot bags which after carefully checking your list will be sealed and tagged with all the information needed. Please review our suggested packing list ahead of the election and add any special reminders that are particular to your town or voting district.

**4. Tips on counting write-ins.** The presiding officer needs to discuss the counting of write-in names with her counters. You must account for every write-in on the tally sheet, although Vermont law now allows you to count fictitious or dead people by marking a tic in the spoiled ballot section. You then list all of the spellings where the voter was not accurate in spelling the name of a candidate. The presiding officer then reads the various spellings and asks all of the election officials present to decide whether each variation was intended to be a vote for that candidate.

You count as a good vote a write-in of a candidate whose name appears on the ballot, but only as one vote per office (a voter cannot mark an X for a candidate on the ballot and then also write-in that candidate’s name for the same office; even in a two-seat district it will still only count as one vote according to Vermont law. (17 V.S.A. §2587(a))

**5. Kindness to election assistants.** Please keep your election officials well-fed, appreciated, and happy during the polling process. Their jobs are not easy and they deserve to be given reasonable breaks and a pleasant working environment. Try rotating positions every hour or two just to keep them fresh. A letter following Election Day expressing your thanks will also go a long way to having election officials volunteer at the next election.

**6. Counting JPs.** Vermont law provides that you don’t need to count all the votes for justice of the peace if the number of candidates on the ballot does not exceed the number to be elected and you are certain there are insufficient write-ins for any candidate to obtain enough votes to defeat another candidate. 17 V.S.A. § 2587(f). That process cannot be used if you

have more candidates on the JP ballot than the number of JP seats you have to fill. In recent years, more parties are nominating full slates of JPs and more independent candidates are submitting petitions. If there are more candidates printed on the ballot than offices to be filled, count all the ballots as you do for all of the other candidates in this election.

**7. Children in the polling place.** Unless a child is disruptive, a parent can bring the child into the booth. We learn from our parents, and the lessons of the voting booth are important.

**8. First Time Voters.** Celebrate them. Have the poll workers congratulate them. Encourage them to feel welcome.



**9. Tabulator malfunctions.** It occasionally happens. The tabulator is jammed by a voter inserting ballots too quickly or a scan head breaks down in spite of regular maintenance and having completed the required testing. Every town clerk who uses an optical scan tabulator now has a Vermont Vote Tabulator Guide. First look at the instruction in the guide. If you cannot immediately resolve the issue yourself, call LHS Associates immediately at the toll free number provided in the guide. If the technician cannot walk you through the steps to correct the problem, they will dispatch a technician to come to your polling place. Technicians are located throughout the state on Election Day so it should never take more than one hour to reach your polling place. In the meantime, if the polls are open, ask voters to place ballots in the auxiliary bin on the side of the ballot box. If you are unsure about what to do while waiting for LHS to arrive, call the Elections Division at 800-439-8683 and the staff will review procedures with you.

**10. Sworn affirmation forms.** At the back of the 2008 Election Procedures in Appendix B, we include a form for voters to complete who have submitted timely voter registration form but who do not appear on your entrance checklist. The affirmation form is approved by Vermont law. This form has been used very successfully since 2002 in Vermont.

**11. Voters previously removed or purged in error from your checklist.** A voter appears at the entrance checklist and is told he or she is not on the list. The voter maintains that he or she has continuously lived in town. You check your records and find that the voter was purged in a previous year for failing to respond to a challenge letter and after not voting in two general elections, his name was removed according to law. If the voter truly still lives in town and has not left town and registered elsewhere, the voter was removed in error and the person shall have his name immediately returned to the checklist. 17 V.S.A. §2150(d)(6)

**12. The Deluge.** It is a presidential election year so prepare for a groundswell. Have extra election officials appointed by your BCA available to be called if you need them. This is especially true from 5:00 p.m. to 7:00 p.m. which are generally the busiest times along with the noon hour in some jurisdictions. Please make sure that your election officials do not allow voters to slow things down by stopping and talking to friends. If there is a line, have an election official reassure the people in line that you're doing the best you can under the circumstances.

**13. Poll Watchers.** Every major party and every candidate in the General Election not represented by a major party may send pollwatchers to the polling place. For towns with over 500 names on the checklist, this means finding an area outside the guardrails of the polling place where pollwatchers may hear the name of each person who goes to the entrance checklist (the voter is to state his/her name loudly and the entrance checklist person is to repeat it loudly). There may be two people from each party or candidate, and they should be accommodated within reason. The presiding officer may set reasonable rules to maintain order at the polling place such as no chatting while voters are present and that cell phones

must be turned off in the polling place. It is a good idea to have these policies in written format to give to the pollwatchers as soon as they arrive. 17 V.S.A. § 2564.

For towns with less than 500 voters, representatives of parties or candidates must notify you at least 12 hours before the opening of the polls if they want to come in and review the checklist at two times during the election day when you are not busy instead of having a pollwatcher at the polls all day. Again, if you have questions on Election Day, call our office. 17 V.S.A. § 2572.

**14. The counting process.** As presiding officer you are responsible for organizing the counting process. Don't just start. Make sure everybody has taken the oath as an election official before the count begins. Gather everyone together and explain the process you will follow. Assign pairs of election officials to work together. Go over the basic rule that ballots will be distributed with tally sheets in sets of 50 ballots. The total of all votes for all candidates and write-ins plus all blank and spoiled for each race must equal 50 (except where the race is "vote for not more than" 2, 3, 6 etc. —in that case the number must equal the "vote for not more than" number times 50 so if you are voting to elect two state representatives then that race must equal 100 (2 x 50). Tell them to look carefully at each ballot and take close calls seriously, both review the ballot and agree on the voter's intent. If the pair can't agree, then the presiding officer will ask the majority of election officials present to determine the intent of the voter. After you are sure that the total tallies for each race equals 50 or a multiple of 50 if there is a higher vote for not more than number, bring your completed tallies and 50 ballots to the summary table. The presiding officer and one other election official will review your tally sheet and if all equal 50 or the correct multiple, the presiding officer will give the pair another set of 50 ballots with a tally sheet if all ballots have not been counted. The presiding officer and one additional election official will then transfer the totals from the tally sheet to the summary sheet for each candidate, write-in, blank and spoiled for each office.

**15. Check the late mail and the town clerk's office.** Don't forget to check your town clerk's office and your post office box if you have one at the end of the day. Sometimes there is more than one mail delivery per day or a voter may have mistakenly taken the ballot to the clerk's office.

**16. Voter guides and palm cards.** Many voters feel the need to bring a voter guide, palm card, or handwritten notes to use when voting. While election materials cannot be displayed or distributed in the polling place, a voter may bring in materials for her own personal use. Remind voters not to leave anything in the voting booths and have an election official or volunteer check each booth to remove any materials that are left behind. Election officials need to keep a sharp eye out for materials to make sure that a voter doesn't leave them on a table or any surface in the polling place and to dispose of any such material immediately.



**17. Executive session can include people who are not board members.** Vermont law permits a board to go into an executive session to discuss a variety of matters. 1 V.S.A. § 313(b) provides that “attendance in executive session shall be limited to members of the board . . . and in the discretion of the public body, its staff, clerical assistants, its legal counsel and persons who are subjects of the discussion or whose expert information is needed.”

**18. Board cannot eject member from executive session.** In one town a dissenting member of the board routinely informed the public and press about what was discussed during their executive session. There is no way the board can prevent this from occurring. Although the board can publicly express its displeasure, the law does not permit the board to exclude or eject one of its members from a meeting. 1 V.S.A. § 313(b)

**19. Board may eject unruly member of public.** On occasion a member of the public will disrupt a meeting. In such a case the chair of the board should first try to calm the individual down and restore order. If this is not possible the chair can call on the town constable to remove the individual from the meeting. 1 V.S.A. § 312(h).

**20. School board may act with majority of those present.** Most local boards can only act when a majority of the full board is in agreement. 1 V.S.A. § 172. Not so for school boards. According to 16 V.S.A. § 554, while a majority of the members of the board shall constitute a quorum, the concurrence of a majority of members present at a school board meeting is necessary and sufficient for board action.

**21. School board follows Robert's Rules of Order; selectboard can create own procedures.** Vermont law requires school board meetings to be conducted using Robert's Rules of Order. 16 V.S.A. § 554. For small school boards we recommend that the board use Robert's Rules for Small Boards. In contrast, the law is silent about what procedures the selectboard and other local boards should follow. Accordingly, these boards can adopt their own rules of order. This can be, but does not have to be, Robert's Rules. We recommend that boards commit to writing the procedures they follow so that all board members and members of the public will know what to expect.



**22. Board has complete discretion when appointing zoning and planning board members.** Because the selectboard is given complete discretion when it appoints members of the zoning and planning board, there is no requirement that they post notice of the vacancies, take applications or interview candidates. In addition, no law would require them to give a reason for appointing or not appointing a particular individual. (The appointment decision is made in open session – although discussion of particular candidates can be done in executive session.) 24 V.S.A. §§ 4323, 4461.

**23. Justice should resign when he or she moves out of town.** Although the law does not require a justice of the peace to resign if he or she moves from town, it is a best practice to do so. This is because if the justice does not resign, there is no vacancy that can be filled, and it does not make sense for a non-resident to be involved in making decisions on elections and tax appeals, etc.

**24. A dog must be licensed in the town where it is kept.** Vermont law requires dogs to be licensed where they are kept – and not simply in any town in which the owner of the dog happens to own property. 20 V.S.A. § 3581. If the dog and dog's owner move during the year, the license may be transferred by the clerk to the new town clerk. 20 V.S.A. § 3591. An out-of-state dog may be brought into Vermont for a period not exceeding 90 days without obtaining a Vermont license, provided that the dog is licensed in the other state and the owner possesses a certificate signed by a licensed veterinarian or state official of the other state that the dog has received a rabies vaccination that is current for the 90 days. 20 V.S.A. § 3587.

*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

Missy Shea, Civics Education & Voter Outreach

As the Civic Education and Voter Outreach Coordinator for the Secretary of State's Office much of my time these days is being spent doing voter registration drives. I love it! I want to share an experience I've had recently that has confirmed for me the value of participatory democracy.

Abe Lincoln said "The ballot is stronger than the bullet." Lyndon Johnson concurred: "A man without a vote is a man without protection." In the United States, we have determined that any citizen who is old enough to defend his country is also old enough to defend himself with his vote.

Last week I was helping out at Harwood Union in Duxbury. They'd come up with a very creative idea I hadn't seen before. In conjunction with the Vermont Votes for Kids civic education materials available through our office, the social studies department is conducting a student mock election for the entire school, grades 7 - 12. So, they decided to hold a simultaneous mock and real voter registration event. In order for the simulation to be as real as possible, the teachers made registration available, but refused to spoon feed it to or force it on their kids - teachers wouldn't bring the forms into the classrooms, and insisted that kids go to the central lobby to register on their own time. Kids were lined up two and three deep at 7:45 am, wanting to register. Some of them were 18, and they registered to vote for real, as well as for the mock election.

My point is that seeing the enthusiasm among students in that school for a *mock* election was inspiring to me. I wish our country - the media, the candidates, the policy wonks - could focus more on that, the beauty and importance and positive energy brought about by the simple act of registering to vote.

If, as Henry David Thoreau surmised, "All voting is a sort of gaming, like checkers or backgammon, with a slight moral tinge to it, a playing with right and wrong.", then let us stick with Vermont voter tradition, and err on the side of right, of broadened franchise. I can't wait to go back to Harwood to help out on their election day!



Sec. Markowitz talks with students at Brattleboro Union High School. Photo by Zachary P. Stephens.

# Upcoming Events

## Municipal Budgeting and Finance Workshop

**Start Date:** November 13, 2008  
**Location:** Montpelier Elks Lodge  
**Time:** 8:30 am  
**Contact:** Amanda Moran ([info@vlct.org](mailto:info@vlct.org))  
**Phone:** 802/229-9111  
**Price:** TBA

**Summary:** Sponsored by VLCT, this annual workshop will provide an introduction to governmental accounting, strategies for developing the annual operating budget, tips for managing the politics of the budgeting process, and best practices for reconciling generally accepted finance practices and Vermont law.

## Vermont Statewide Housing Conference

**Start Date:** Tuesday, November 18  
**Start Time:** 8:00 AM - 4:00 PM  
**Place:** Sheraton Hotel and Conference Center in South Burlington, VT  
**Cost:** \$40 (early-bird). Fee includes lunch.  
**Contact:** John Fairbanks at VT Housing Finance Agency  
**Phone:** 802.652.3424  
**Email:** [jfairbanks@vhfa.org](mailto:jfairbanks@vhfa.org)  
**Register online:** <http://www.vhfa.org/conference/>

**Summary:** Vermont's largest housing event. This year's conference will have a major emphasis on community planning for housing development, including a special track of three workshops aimed at local planning professionals and at members of zoning boards, planning commissions, development review boards, and other governmental organizations who make decisions regarding housing in their communities. Those workshops will cover topics including density and design, the regulatory environment, and getting Vermont communities "housing-ready." There will also be workshops covering cottage development, green building, costs of development, housing and the economy and building local support for housing.

# Municipal Calendar

## **NOVEMBER 2008**

1 - Last day for the board of civil authority to designate pairs of justices of the peace, assuring political balance in each pair, to deliver early or absentee ballots to ill and physically disabled voters (not later than three days before the election). 17 V.S.A. § 2538(a)

3 - Voters, 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 V.S.A. § 2531(a) Clerks must make a list of early or absentee voters available upon request in their offices. 17 V.S.A. § 2534

3 - The presiding officer of each polling place must also post a copy of the warning and notice, sample ballots and the current checklist in a conspicuous place in each polling place before the polls open on election day. 17 V.S.A. § 2523(a)

3 - The presiding officer shall also ensure that signs informing voters of procedures for depositing ballots are placed on or near the ballot boxes before the polls open on election day. 17 V.S.A. § 2523(b)

3 - 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 V.S.A. § 2452.

3 - Prior to the day of the election, board of civil authority must appoint assistant election officers. 17 V.S.A. § 2454.

3 - Presiding officer must notify election officers of their hours and duties. 17 V.S.A. § 2455.

4 - General Election. 17 V.S.A. § 2103(15).

4 - Clerks must make a copy of all early or absentee voters available at their office and in each polling place as soon as it opens. 17 V.S.A. § 2534.

4 - Before polls open, town clerk must give election officials a list of those voters who have already cast early or absentee ballots. 17 V.S.A. § 2548(a).

4 - Before polls open, the presiding officer must post copies of the warning and notice and the sample ballots. Signs should be placed on or near the ballot boxes explaining procedures for depositing ballots. 17 V.S.A. § 2523.

4 - 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 V.S.A. § 2561(a).

4 - 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 V.S.A. § 2508.

4 - For those who became eligible to vote after the first Wednesday prior to Election Day and had notified the town clerk of intent to apply for addition to the checklist, the town clerk shall act on applications until polls are closed. 17 V.S.A. § 2144(b), (c).

4 - As soon as possible after the polls close, the presiding officer must examine entrance and exit checklists and prepare a statement of discrepancies. 17 V.S.A. § 2583(a).

4 - Presiding officer directs election officials in counting ballots. 17 V.S.A. § 2581, 2582.

4 - Presiding officer must seal all ballots, exit checklist, and tally sheets. 17 V.S.A. § 2583(a), 2590(a), 2689. **The entrance checklist must be kept out of the ballot bags and placed in a secure location.**

5 - 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 shall sign the return. 17 V.S.A. § 2588.

6 - In a manner prescribed by the Secretary of State and within 48 hours of the close of polls, the town clerk shall deliver one certified copy of the official return of vote to the secretary of state, representative district clerk, senatorial district clerk and county clerk. 17 V.S.A. § 2588

**PLEASE USE THE PREPAID MAILERYOU RECEIVED TO OVERNIGHTYOUR OFFICIAL RETURNS (ORV) TO THE OFFICE OF THE SECRETARY OF STATE, 26 Terrace Street, Montpelier, VT 05609-1101.**

11 - At 10:00 a.m. all canvassing committees (statewide, county, senatorial, and representative) must meet to tally returns. 17 V.S.A. § 2592(g) and (h) The committee shall prepare certificates of election and send or deliver these to the candidates elected, except the statewide committee shall prepare the certificates but not sign them. Each canvassing committee shall also file a canvassing report of its findings with the Secretary of State. 17 V.S.A. § 2592(m)

14 - Deadline for filing ten-day post election campaign finance reports by candidates for local office (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace) who have expended or received \$500.00 or more. Local candidates shall file these reports with the town clerk. 17 V.S.A. § 2822

14 - Last day for a losing candidate to request a recount (within 10 days after the election). 17 V.S.A. § 2602(b)

14 - Candidates for state office, state senator, state representative, political parties, and political committees who have made expenditures or received contributions of \$500.00 or more must file campaign finance reports with the secretary of state by 5:00 p.m. 17 V.S.A. § 2811(a)(1). Candidates for state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

14 - Last day for statewide and general assembly candidates who have not made expenditures and received contributions of \$500.00 or less to file statement with the Secretary of State's office that candidate has not made expenditures or received contributions of more than \$500.00.

19 - Last day that a legal voter may contest the results of the general election (within 15 days after the election). 17 V.S.A. § 2603(c)

27 - Thanksgiving Day. 1 V.S.A. § 371(a)

### **December 2008**

1 - Last day to pay property taxes in towns that voted to collect interest on overdue taxes. 32 V.S.A. § 5136(a).

4 - Last day for U.S. Congressional candidates to file FEC 30-day post-general reports (Oct. 20-Nov. 28), 2 U.S.C. § 434(a)(2).

14 - Last day for listers to notify persons of omissions from inventory. 32 V.S.A. § 4086.

15 - Deadline for filing forty-day post election campaign finance reports with the Secretary of State by candidates for statewide office, state senator, state representative, political committees, and political parties who have expended or received \$500.00 or more. Also deadline for filing forty-day post election campaign finance reports by county office candidates who have made expenditures or received contributions of \$500.00 or more. County candidates (probate judge, assistant judge, state's attorney, sheriff, high bailiff and justice of the peace) shall file with the county clerk with whom his or her nomination papers were filed. Copies of these reports must be forwarded by the county clerks to the secretary of state within five days of receipt. 17 V.S.A. §§ 2811, 2821(c), 2831 If a filing deadline falls on a Saturday, Sunday or legal holiday, then the deadline shall be extended to the next business day. 17 V.S.A. § 2103(13) Candidates for the state senator or state representative must also file such reports with the clerk of the candidates' respective senate or house district (the same clerk where the candidate files nominating petitions). 17 V.S.A. § 2811(e)

15 - Electors shall meet at the state house to vote for president and vice president agreeably to the laws of the United States (first Monday after the second Wednesday in December following the general election). 17 V.S.A. § 2732.

23 - (70 days before Town Meeting) First day to warn the first public hearing if a charter adoption, amendment, or repeal is to be voted on at Town Meeting. V.S.A. 17 §§ 2641(a), 2645(a)(3).

25 - Christmas Day V.S.A. 1 § 371(a).

30 - Last day for listers to correct real or personal estate omission or obvious error in grand list, with approval of legislative body. V.S.A. 32 § 4261.

31 - Town fiscal year ends, unless voted otherwise. V.S.A. 24 § 1683(c).

***The Municipal Calendar is provided by the Vermont League of Cities and Towns/Chittenden Bank and the Secretary of State's Office.***

## Election Day Contact Information

*Elections Division staff will be available from 7:00 a.m. to 9:00 p.m. on Tuesday, November 4, 2008.*

- Main Office - 802-828-2363
- Toll Free Number - 800-439-8683
- Secretary Markowitz - 802-828-2148
- Kathy DeWolfe - 802-828-2304
- Melanie Hodge - 802-828-0175
- David Crossman - 802-828-0771
- Katie Lane-Karnas - 802-828-2464



# Mailing List Updates!

**Help us keep our mailing list up to date!**

***Let us know if:***

- your address needs to be updated,
- your name is misspelled, or
- you'd rather receive *Opinions* a week early via email.



Send us a note via fax: 802-828-2496,

email: [gcolbert@sec.state.vt.us](mailto:gcolbert@sec.state.vt.us),

or post: 26 Terrace St., Montpelier, VT 05609-1101.

Be sure to include the information from your current *Opinions* mailing label as well as any changes that you would like to have made.

***Thank you for helping us keep Opinions running efficiently!***

RETURN SERVICE REQUESTED

Redstone Building  
26 Terrace Street  
Montpelier, VT 05609-1101  
802-828-2363  
[www.sec.state.vt.us](http://www.sec.state.vt.us)

Office of the Vermont Secretary of State  
November 2008

*Opinions*

PRSR STD  
U.S. Postage Paid  
PERMIT NO. 147  
MONTPELIER, VT  
05609-1101