

Opinions

Office of the Vermont Secretary of State



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A Message from the Secretary

In my family we like to be right. Whether the question is about the antibiotic effect of bread mold¹ or the name of the capital of Bangladesh² it seems like each one of us is certain that we have the answer. Consequently, our dinner time conversations are often punctuated with wild bets (often, a million dollars or more) and trips

to the bookshelf (for the dictionary) or the computer (for google) to prove a point.

Although each prefers to be right, the children are rarely upset when they lose the bet. It is those times when the answers are inconclusive that can be challenging. With no objective authority to point to for an answer the debate can go on and on (getting louder and more impassioned) until someone intervenes to change the subject.

The desire to have the right answer is not surprising or unusual. Indeed, we get calls every day from municipal officials looking for guidance. Many questions that come to us have clear answers. We can often point to Vermont statutes or court decisions that articulate what is required in a particular situation. But there are also times when the law is not that clear.

Anyone who has worked in municipal government for long can tell you that many of our laws can be interpreted in multiple ways. And because lawsuits are costly, most municipal disputes are resolved without recourse to the courts. Consequently, there are remarkably few court decisions clarifying our municipal laws

This month, the Supreme Court came down with an important decision clarifying when a selectboard is required to warn advisory articles submitted by petition. The advisory article in question would have required the board to ask the legislature to enact a law requiring parental consent for abortions involving a minor. The court held that

although state statutes provide that the board must include on the town meeting warning any articles requested by a petition signed by at least five percent of the voters, a board can decline to include an article that does not relate to municipal business. The Supreme Court decision was issued a week before the deadline for petitions - just in time to provide some certainty on the issue for towns considering what articles to place on the warning. We had long advised that, since it was unclear whether petitioned advisory articles had to be warned, the board ought to err on the side of the voters and place the article on the ballot. Although the court's decision required us to change this advice we are very happy that there is finally a clear answer.

As my family knows – it is always better when you are certain you are right!

Deborah L. Markowitz, Secretary of State

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¹ Common bread mold is a variety of *Penicillium*, it was not the type of mold that produced penicillin.

² Dhaka

Are You Prepared for Town Meeting Day?

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. § 2561, 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 a 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. 17 V.S.A. § 2659.

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.



Election of Officers

In order to be elected as a write-in candidate in an Australian Ballot election when no other candidate has received a greater number of votes, a candidate must receive 30 votes or the votes of one percent of the registered voters of the town, whichever is less. 17 V.S.A. § 2682 (c).

The offices of selectboard, lister and auditor must be elected by paper ballot (unless it is done by Australian ballot). The offices of road commissioner and water commissioner, if elected, must also be elected by paper ballot. 17 V.S.A. § 2646.

When there is a single candidate, unless any voter opposes this, the town may agree to ask the clerk to cast one ballot for the candidate. 17 V.S.A. § 2660(b).

A majority of those present and voting is required to elect an officer by paper ballot (unless the vote is by Australian Ballot.) This means that if there are three candidates, none of whom receive a majority of the votes by the third ballot, you must eliminate the candidate with the least votes and repeat the procedure until someone receives a majority of the votes. 17 V.S.A. § 2660(c).

Tip of the Month



Suggestions for Preparations for Paper Ballots

A number of towns have called and asked for suggestions about ways to insure that only legal voters are voting without making voters file by a checklist for each paper ballot. One suggestion is to appoint two people to check off voters from the entrance checklist when they come into the meeting. As the voter is checked off, he or she is given a preprinted green or other colored paper (that was cut into quarters) "**Town of XXXXXX—Legal Voter**". Then each legal voter can simply show the green card to the counter who is distributing ballots and also show the card to the counter who is supervising the ballot box. Some towns also divide the meeting room space into sections for legal voters and for observers. Some towns also preprint white paper and cut into quarters with "**Town of XXXX—Legal Ballot**" printed on it, and then ask voters to mark the ballot on the blank side so the "legal ballot" can be shown to the counter or official before placing in the ballot box. There are many different ways to address the issue, but these are some things that can be done ahead of time to save time and voter concerns during the meeting.

Please send your tips to Clyde Jenne at hartlandvtclerk@vermontel.net

Opinions of Opinions



1. Library may keep custody of videos of board meetings. No law would prevent the local library from collecting videos of board meetings and then checking them out to interested residents. So long as the legal record of the meetings – the minutes – were kept by the clerk and made available to the public on request, there is no reason that videotapes of the meeting could not be kept elsewhere.

2. Listers may move office to a private residence. There is no state law that would prevent the listers from moving the listers' office to a private residence. However, as custodians of the records they must make the lister cards and records available for public inspection at all reasonable times. If copies of the property files were kept at the town clerk's office this requirement would be satisfied. In addition, meetings of the board must be open to the public – even if the meetings are held in a private residence. 1 V.S.A. §§ 316, 312.

3. School board member's spouse may be employed by the school district. 16 V.S.A. § 558 provides that “a member of a school board may not be regularly employed by the school district or by a school district within the same supervisory union or by the same supervisory union during the board member's term of office.” This section does not go so far as to prohibit the spouse of a school board member from being employed by the school. Of course, the school board member would need to recuse him- or herself from discussions that would impact his or her spouse's conditions of employment to avoid a conflict of interest.

4. Spouse of school board member may serve as treasurer. Although the law prohibits a school board member or a selectboard member from serving in the position of treasurer, no law prohibits a spouse of a school board or selectboard member from serving as treasurer. Indeed, the only incompatible office that extends to a spouse is the office of auditor. The law provides that “an auditor shall not be town clerk, town treasurer, selectman, first constable, collector of current or delinquent taxes, trustee of public funds, town manager, road commissioner, water commissioner, sewage system commissioner, sewage disposal commissioner or town district school director; nor shall a spouse of or any person assisting any of these officers in the discharge of their official duties be eligible to hold office as auditor.” 17 V.S.A. § 2647.

5. One person can run for multiple municipal 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 (see the opinion below.)

6. A person elected to incompatible offices must accept only one of the offices. When a person is elected to more than one position in the town or school district and the positions are incompatible, the person must resign from one of the positions. This creates a vacancy which must be filled according to statutory procedures. Note that in such cases, the runner-up or next highest vote-getter does not move up or become the winner. For town officers: the selectboard posts 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 schoolboard shall 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 schoolboard of the town which elected the original incumbent and within 30 days the schoolboard shall appoint to the next election. 16 V.S.A. §7061

7. Notary commissions expire February 10th. Under Vermont law all notary commissions expire on February 10th of 2007. This means that even notaries who are ex officio notaries public must file a new notary application with the Superior Court. Although ex officio notaries must file the required paperwork in order to serve as a notary, they do not have to pay the \$20 fee.

8. Ex officio notaries public cannot charge a fee for notary public services. Town clerks, as well as other ex officio notaries public are prohibited from charging a fee for notary services. 32 V.S.A. §1403(b). Also, individuals who have become a notary public ex officio, lose their notary public status when they leave office. If a person wishes to continue as a notary public, he or she must apply to the county clerks' office and pay the \$20 fee.

9. Public must be given an opportunity to petition for a vote on a proposed transfer of municipal property. If the selectboard wishes to convey municipal real estate, it must, at least 30 days before the conveyance, post a notice of the terms of the proposed conveyance in at least three public places within the municipality, including the clerk's office, and publish the notice in a newspaper of general circulation within the municipality. 24 V.S.A. § 1061. If a petition signed by five percent of the legal voters of the municipality objecting to the proposed conveyance is presented to the municipal clerk within 30 days of the date of posting and publication of the notice, the board must call a special meeting (or put the issue on the warning of the annual meeting) to be decided by the voters. Note that there are some exceptions to this law that apply to the control, maintenance, construction, relocation or abandonment of highways, water, sewer or electric systems, and urban renewal projects.

- 10. Selectboard can choose to put the question of whether to sell municipal property to a public vote.** As an alternative to the procedures described above, the selectboard may choose to have the voters decide, at an annual or special meeting whether municipal real estate should be conveyed. If a majority of the voters of the municipality present and voting vote to approve the proposed conveyance, the real estate may be conveyed. 24 V.S.A. § 1061.
- 11. Town property can be conveyed by agent to convey real estate.** Towns elect an agent to convey real estate whose duty it is to sign the required deeds and documents on behalf of the town. When the municipality has failed to elect an agent, or the office becomes vacant or the municipality is not required by law to elect an agent, the legislative body may appoint someone who can act as an agent on behalf of the town.
- 12. Spot zoning must be avoided.** In zoning law, spot zoning is the singling out of a small parcel or a single lot and zoning it for a use classification different from the surrounding area and inconsistent with any comprehensive plan, or zoning it to avoid a use permitted by existing law. *Galanes v. Town of Brattleboro*, 136 Vt. 235. A town may rezone a small parcel so long as the rezoning is consistent with the town plan. If a town spot zones then the landowner or interested parties can challenge the new bylaw arguing that it is unconstitutional.
- 13. Regularly scheduled meetings of the board do not need to be warned.** A board, at its organizational meeting, sets its meeting schedule. This schedule needs to be available upon request to the public. No additional warning is required. The law states that “the time and place of all regular meetings subject to this section shall be clearly designated by statute, charter, regulation, ordinance, bylaw, resolution or other determining authority of the public body and this information shall be available to any person upon request.” 1 VSA 312(c)(1).
- 14. Employees may take a leave of absence to serve in the legislature if they give advance notice to their employer.** Vermont law provides that an employee who intends to seek election to the general assembly and to invoke, if elected, his right to a leave of absence must notify his employer of those intentions in writing within 10 days after filing the primary election nominating petition or taking any other action to place his name on a primary or general election ballot. An employee who fails to give notice to his employer as required by this section shall be deemed to have waived his right to a leave of absence. Note that this leave is WITHOUT pay. 21 V.S.A. § 496
- 15. Bond votes have different requirements from other votes.** When a town wishes to incur bonded debt to pay for a public improvement it must put the question to the voters at an annual or special meeting. To do this the board must first pass a resolution that the public interest or necessity demands improvements, whose cost will be too great to be paid out of the ordinary annual income and revenue. In the alternative, voters can bring in a petition to hold such a vote, but must get signatures of at least 10 percent of the voters (rather than the usual five percent) 24 V.S.A. § 1755. Bond votes must be by Australian ballot, and the law sets out the specific form of the question to be asked. 24 V.S.A. § 1758. These votes also have greater public notice requirements than other votes. Notice must be published once a week for three consecutive weeks on the same day of the week, the last publication to be not less than five nor more than 10 days before such meeting, and notice must also be posted in five public places within the municipality for two weeks immediately preceding such meeting. 24 V.S.A. § 1756. Finally, the law limits the number of times a bond vote can be put before the voters. A board “may not submit to the voters more than twice in the same calendar year or any twelve month period the proposition of incurring a bonded debt to pay for the same or a similar public improvement.” 24 V.S.A. § 1755.
- 16. Moderator should review Roberts Rules at start of the meeting.** At the beginning of town meeting, it is a best practice for the moderator to review the basics of Roberts Rules and the procedures that will be used in the meeting. This helps voters to be able to participate fully in the meeting. It is especially important for the moderator to remind the voters that any person present can rise to challenge the ruling of the moderator on any procedural issue, and have the procedural issue decided by the voters present.
- 17. Moderators should not speak to the legality of an article.** It is the moderator’s role to manage the process and procedures of the meeting with the primary purpose of seeing that the will of the electorate is given effect, with fairness and impartiality to all legal voters who are participating. Even a well-intentioned comment regarding 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, he or she should call for a moderator pro tem to take over, and step down while the moderator participates in the debate. Usually, however, there are others who can answer the question, or the moderator can let the electorate decide how to vote on the article without any opinion.

Quote of the Month

What cannot be achieved in one lifetime will happen when one lifetime is joined to another.

Harold Kushner

- 18. Any voter can challenge a ruling during floor debate.** At a traditional floor voting meeting, any voter can challenge a ruling of the moderator on “points of order” 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.
- 19. Moderator, not town clerk, is in charge of all voting including paper ballots at a floor or open town meeting.** 17 V.S.A. §§2657-2660. The moderator is the presiding officer and shall appoint counters (from the legal voters of the town) to assist him and shall make public declaration of votes taken including paper ballot votes when required by statute or requested by seven voters present. The moderator can ask the town clerk and BCA members for assistance, but can also appoint officials from the legal voters.
- 20. There are separate offices for town and town school district moderators.** 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 in Australian ballot districts, separate petitions are required.
- 21. Reminder of votes requiring two-thirds instead of a majority at town meeting.** It’s a fairly short list: Tax stabilization agreements relating to commercial or industrial property (24 V.S.A. §2741(b)); and when Robert’s Rules requires two-thirds for procedural motions such as motions to suspend the rules, to rearrange articles, to cease or limit debate; to adopt special rules of order; to allow a nonresident to speak after a voter has objected, to close nominations; and to postpone to a time certain (17 V.S.A. §2658).
- 22. Articles that are voted to be either “passed over” or “postponed indefinitely” cannot be raised at a special or future annual meeting without a full warning of a new article.** Likewise if an article is “tabled” (it could be removed from the table during that meeting) but it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. Voters rely on the warning to know what will be discussed at the meeting.
- 23. When local officers are elected by paper ballot during the traditional open floor town meeting, a majority of all votes cast for any office is required for an election.** 17 V.S.A. §2660(b). The law requires that selectboard, listers and auditors must be elected “by ballot.” If a majority is not achieved on the first ballot, voting continues. If no person has obtained a majority by the end of the third vote, the moderator shall announce that the candidate receiving the lowest number of vote in the last vote and any succeeding vote shall no longer be a candidate, and the voting continues until a candidate receives a majority.



24. In Australian ballot election the candidate with the most vote wins. When local officers are elected by Australian ballot, the person receiving the most votes shall be declared elected to that office. (Plurality is all that is required.) 17 V.S.A. §2682(c). Note that, if the person receiving the most votes is a write-in candidate in an Australian ballot election, the person must have received at least 30 votes OR the votes or one percent of the registered voters, whichever is less. 17 V.S.A. §2682(c).

25. Town clerk fees are part of the auditor’s report. 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; however, the auditors have an obligation to audit the books of the clerk, so in most cases these fees are disclosed as part of the auditor’s report.

- 26. Date of school meeting can be changed by the voters.** The voters must authorize the changing of the date for an annual school district meeting by voting at an annual or special meeting on an article: “Shall the _____ town school district hold its annual meeting on _____.” 16 V.S.A. §422. The school board cannot change the date on its own motion, it must be voted by the electorate.
- 27. Union school district elections require town clerk to open office for voter registration.** If your town is a member of a union school district, the town clerk must be open for voter registration on the second Monday before the union school district elections, and then must provide an authenticated copy of the checklist as updated to the clerk of the union school district. 16 V.S.A. §706 provides the particulars regarding the checklist for union district meetings. 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.

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.

democracy

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

Every 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 5 at 3:30 pm in the State House Cedar Creek Room. The Honorable Justice John Dooley 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

The Honorable Lynn Bohi, Former Windsor County Legislator
Chris Graff, Distinguished Journalist

Vermont Secretary of State Enduring Democracy Awards

The Honorable John Hall, Former Orleans County Legislator, and Disability Advocate
Janice Santiago, Northgate Residents Association
Joyce "Birdie" Wyman, Retired Arlington Town Clerk

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 Ginny Colbert, 802-828-2148 or gcolbert@sec.state.vt.us.

Notary Renewals Due in February!

All Vermont notary commissions expire February 10, 2007. Renew your commission now! The notary application, provided by the Court Administrator, is now available online at <http://www.vermontjudiciary.org/eforms/Form%200004.pdf>. Fill out the application online, print it, take and subscribe the oath before a notary public and send the completed application to the county clerk in the county in which you reside. If you are an *ex-officio* notary public, no fee is required. If not, be sure to include the \$20 fee.

Need assistance? Contact Kathy Watters at (802) 828-2308 or kwatters@sec.state.vt.us.

Visit our Notary Resource page at <http://vermont-archives.org/notary/> for information on upcoming notary training events.

Municipal Calendar

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

FEBRUARY 2007

February 1 (Thursday)

Last day to mail W-2 withholding forms to employees.

Deadline for Tax Collector to turn over moneys collected and settle account with Town Treasurer. 24 V.S.A. § 1532

Last day for Listers to file corrected grand list for preceding year in order to render it valid. 32 V.S.A. § 4112

February 4 (Sunday)

Last day to hold first public hearing on charter amendments if article is to be voted at town meeting. 17 V.S.A. §§ 2645(a)(3), 2103(13)

This is the last day that the warning and notice for town meeting may be posted (30 days before the election). 17 V.S.A. §§ 2521(a) and 2641(a)

Checklist must be posted in two or more public places in the town in addition to being posted at the town clerk's office in towns with over 5,000 population. In towns with less than 5,000 population, the checklist must only be posted in one place in addition to the clerk's office. 17 V.S.A. §§ 2141, 2521(a)

February 9 (Friday)

(25 days before Town Meeting) Auditors must meet by this date to examine and adjust town finances. 24 V.S.A. §1681

(25 days before Town Meeting) Town officers must settle accounts with auditors to be eligible for re-election. 24 V.S.A. § 992

February 10 (Saturday)

Last day for any municipality that 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 V.S.A. §1400b(a)

Last day for legislative body 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 V.S.A. § 305(b)

February 12 (Monday)

Lincoln's Birthday. 1 V.S.A. § 371(a)

February 14 (Wednesday)

In Australian ballot towns, ballots for local officers and local public questions shall be prepared by the town clerk and available not later than 20 days before the election. 17 V.S.A. § 2681a(a)

First day for legislative body to post warning for public informational hearing (to be held on or after 2/24/07) on any public question to be voted by Australian Ballot at town meeting. 17 V.S.A. § 2680(g)

February 19 (Monday)

Washington's Birthday. 1 V.S.A. § 371(a)

February 20 (Tuesday)

(At least two weeks before Town Meeting) Town clerk must have liquor ballots printed if liquor issue is on town meeting agenda and if town does not use Australian Ballot. 7 V.S.A. § 163

February 23 (Friday)

Last day for legislative body to post warning for public informational hearing (to be held on or before 3/05/07) on any public question to be voted by Australian Ballot at town meeting. 17 V.S.A. § 2680(g)

February 24 (Saturday)

Last day to post sample ballots in the same places as the warning, notice, and checklist (not later than 10 days prior to the municipal election). 17 V.S.A. §2522(a)

Selectboard must mail or otherwise distribute town meeting warning in annual town report by this date to avoid publishing warning in newspaper (at least 10 days before town meeting). 17 V.S.A. §2641 (b)

Voting machines must be tested using official ballots that are clearly marked "test ballots" (at least 10 days before the election). 17 V.S.A. § 2493(b)

First day for legislative body to hold public informational hearing on any public question to be voted by Australian ballot at town meeting. 17 V.S.A. § 2680(g)

(At least 10 days before Town Meeting) Auditors' Report, or the findings of the public accountant employed in accordance with 17 V.S.A. § 2651b, must be distributed. 24 V.S.A. § 1682

February 26 (Monday)

During the eight days preceding election day, and on election day, the clerk shall divide the list of ill and physically disabled early or absentee voters into as many equal parts as there are pairs of designated justices, and deliver those lists to the justices, together with early or absentee ballots and envelopes. 17 V.S.A. § 2538(b)

Last day, until noon, to apply for addition to the checklist to vote at town meeting. Town clerks' offices must be open from 10:00 a.m. to 12:00 noon to accept applications. 17 V.S.A §§ 2103(13), 2144(a)

Last day, until noon, for people who are not eligible to register by this date but who will be eligible by election day to file a written notice of intent to apply with the town clerk and to request an early or absentee ballot. 17 V.S.A. §§ 2103(13), 2144(b) and (c)

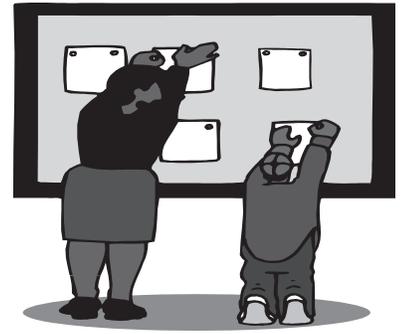
Last day to receive a request for an application for addition to the checklist accompanying an early or absentee ballot request (by noon). 17 V.S.A. §§ 2103(13), 2532(b) and (c)

A local candidate who has made expenditures or accepted contributions of \$500 or more shall file a campaign finance report ten days prior to the election. 17 V.S.A. §§ 2103(13), 2822

MARCH 2007

March 1 (Thursday)

Town meeting warning must be published in newspaper by this date if town report has not been distributed otherwise (five days before the meeting). 17 V.S.A. § 2641(b)



Last day for town clerk to forward to the board of civil authority a list of voters added to the checklist (at least five days before town meeting). 17 § 2144b(d)

(Five days before Town Meeting) Treasurer must settle accounts with auditors. 24 V.S.A. § 1578

March 3 (Saturday)

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

March 3-4-5

(On any of the three days immediately preceding the first Tuesday in March) Towns that have voted to do so may start town meeting and transact non-ballot related business. 17 V.S.A. § 2640(b), (c)

March 5 (Monday)

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 on the day before the election. 17 V.S.A. § 2531(a) Clerks must make a list of all early or absentee voters available upon request at their office. 17 V.S.A. § 2534

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 V.S.A § 2452

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) and (b)

The presiding officer shall make sure 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)

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

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

Last day for legislative body to hold public informational hearing on any public question to be voted by Australian Ballot at town meeting. 17 V.S.A. § 2680(g)

March 6 (Tuesday)

TOWN MEETING DAY (First Tuesday in March). 1 V.S.A. § 371(a), 17 V.S.A. § 2640(a)

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 V.S.A. § 2561(a)

A meeting of the legal voters of each town shall be held annually on the first Tuesday in March unless the town charter changes the date or the voters have voted to begin on one of the three days preceding the Tuesday. 17 V.S.A. §§ 2631, 2640(a) and (b)

Clerks must make a list of all early or absentee voters available upon request in each polling place as soon as it opens. 17 V.S.A. § 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 V.S.A. § 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 shall act on applications until polls are closed. 17 V.S.A. § 2144(b), (c)

Moderator opens business meeting at the time established by the legislative body (unless town voted otherwise at a preceding meeting). 17 V.S.A. § 2655, 2657

In towns using Australian Ballot, 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)

In towns using Australian Ballot, presiding officer directs election officials in counting ballots. 17 V.S.A. § 2581, 2582

In towns using Australian Ballot, presiding officer must seal all ballots and exit checklist(s) and tally sheets. The entrance checklist should be safely stored so that the public cannot have access to it for a period of 90 days except under the direct supervision of the town clerk. 17 V.S.A. § 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 V.S.A. § 2645(b)

March 7 (Wednesday)

(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 V.S.A. § 2588

March 11 (Sunday)

(Within five days after town meeting) Town clerk must certify votes on financial actions to town treasurer and to the chair of the legislative body. 24 V.S.A. § 1167

March 12 (Monday)

(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 V.S.A. § 5167

March 13 (Tuesday)

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 (within seven days after election). 17 V.S.A. § 2682(e)

March 16 (Friday)

Last day for a losing candidate for local office in a municipality using the Australian ballot system of voting to request a recount (within 10 days after the election). 17 V.S.A. § 2683(a)

Deadline for a voter to file a request for a recount with the town clerk of any issue voted by Australian Ballot (within 10 days after the election). 17 V.S.A. § 2688

Last day for a local candidate who has made expenditures or accepted contributions of \$500 or more to file a campaign finance report with the town clerk. 17 V.S.A. § 2822

(Within 10 days after town meeting) Last day for town clerk to certify to the Secretary of State facts of origin and procedure followed for each municipal charter amendment proposed. Clerk shall also certify the result of any vote required before an act of the general assembly takes effect. 17 V.S.A. § 2663, 2645(b)

March 21 (Wednesday)

Last day that a legal voter may contest the local election results from the town meeting (within 15 days after the election). 17 V.S.A. § 2603(c)

(Within 15 days after an election) Last day a voter may contest results of town meeting Australian Ballot vote. 17 V.S.A. § 2603(c)

March 22 (Thursday)

First day a run-off election may be held (15 days after the warning of the run-off election). 17 V.S.A. § 2682(e)



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