



Opinions



Office of the Vermont Secretary of State - www.sec.state.vt.us
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Message from the Secretary

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A few weeks ago I sat in a quiet church in St. Johnsbury while we remembered with sadness the short life and ultimate sacrifice of Vermont National Guard soldier PFC Ryan Grady who was killed by a roadside bomb while serving in Afghanistan. His family and friends remembered Ryan as good son, a loving father, and as a Vermonter who believed in his country and in his own obligation to serve.

American freedoms have been challenged many times over our relatively brief history, and our citizens have consistently stepped forward to defend our nation, especially our right of self-determination. In Vermont we have a proud tradition of stepping up to the plate faster and in greater numbers when we are called to serve. Let us honor those who are serving today as well as those who have served before.

As we head into election season I want to remind you about two programs offered by the Secretary of State's Office. 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. More than 2,000 veterans have been honored in this way since the program was first implemented for the 2002 elections. This year we are encouraging town clerks and other town officials to sponsor an Honor a Vet with Your Vote button drive in your community. If you wish to run an Honor a Vet button drive we will send you all of the materials you will need, including posters advertising this important program, button order forms, buttons, and Sharpie pens for personalizing the buttons. To sign up to run a button drive go to www.govotevermont.com or contact Olivia Gay at 802-828-1296 or email olivia.gay@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 veterans' 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.

With 1,500 Vermont National Guard men and women serving today in Afghanistan we must also redouble our efforts to make sure we are providing support and services to families who are here at home. We must ensure that when they return, these brave Vermonters are provided the services and benefits they have earned. Every community can help.

Last year the Secretary of State's Office deployed our Service-for-Service program. This project is a service-learning program that links schools with guard families. Over the course of the year students have been providing assistance to families through direct service such as babysitting, stacking wood, mowing lawns, or by raising money to purchase needed items for guard families. Service-for-Service helps students appreciate the sacrifices being made by our deployed National Guard men and women and their families, and gets them to think about ways they can make a difference.

To learn more about the Service-for-Service program, to get your local school involved and to find out what schools are doing around the state check out our website at http://www.sec.state.vt.us/kids/service_for_service.html

Deborah L. Markowitz
Secretary of State

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Voice From the Vault by Gregory Sanford

No Column Left Behind: In Which the Archivist Goes to School and His Attention Wanders

Okay, this was supposed to be pretty straightforward. I was going to note how Act 10 of 1870 allowed towns to voluntarily abolish their district school system in favor of having a single town district. This would bring Vermont's "over 2,000 little educational republics, practically

independent of each other and of all the world" into a more manageable town-based system [1869 School Report]. Vermonters generally ignored this voluntary vote; only 40 towns adopted the town system by 1892 (15 of whom subsequently voted to return to the district system). So in 1892 the state passed the "vicious act" (Act 20) mandating the adoption of the town system.

Okay, so far so good. I could take those events and contrast them with recent public dialogues over mandatory versus elective consolidation of school districts, yet again suggesting how archival records can provide context to our discussions and actions.

Lamentably I thought I would put some frosting on the cake and take a squint at the records of the 1912-14 Commission to Investigate the Educational System and Conditions of Vermont (Record Series PRA-024), which strongly recommended further school consolidation since Vermont still had a couple thousand small districts.

The commission's records were somewhat disappointing in terms of consolidation, but offered many distractions. These included a July 1914 set of principles promulgated by Vermont's union school superintendents. The principles started with: "We believe that increased emphasis should be placed upon the fact that the school is for the child; that the study of the child and the development of its powers is the chief concern of the teacher; that the course of study should be related to the life of the community; and that the public should provide adequate and equal opportunity for every child." Other principles included: "We believe that the maximum number of pupils taught by one teacher in both graded and rural schools should be limited by law" and "We believe that the welfare of the individual child should not be sacrificed to the requirements of an inflexible system of grading and promotion."

Attention wandering, under my inflexible "no column left behind" program, I began to mentally lay out several unanticipated columns. Commission documents, for example, envisioned a school role in promoting the health of the students. On June 7, 1913, Charles S. Caverly, president of the state board of health, argued that schoolhouses can be cheaply constructed and maintained in a sanitary condition: "Dirt-tight floors, jacketed stoves, windows of the right size and placed properly, black boards of the proper material and located properly are not luxuries that any town in Vermont should not be able to afford..."

The idea of schools responsible for healthy students and the image of a jacketed wood stove made me think of the wonderful film, *A Town Solves A Problem* (available on the Vermont Historical Society website under library; moving images collections). This 1947 film set in Pittsford narrates how the teacher at the local one-room school and her husband the school custodian (who feeds the wood stove) organize support for a town meeting vote to purchase a stove so students could have hot lunches.

I began thinking about the evolution of school lunch programs and next took a squint at Record Series PRA-104 which contained two volumes of newspaper clippings compiled by the Department of Education from 1952-1965. One of the first clippings I saw was a December 18, 1953, *Free Press* editorial wondering "Should school consolidation be further encouraged by legislation?" It was too late to turn back to that topic (but in my defense I did not get caught by another question in the editorial: "Should the State assume the cost of hospitalization of those unable to pay").

Instead my eye was caught by a December 29, 1952, *Free Press* clipping headlined "Vermont Will Run Out of Funds for Hot Lunches by Late March." This provided some clues that, once pursued, gave me a new context for *A Town Solves A Problem*. While the film suggested Pittsford was taking on the costs itself, since 1921 (Act 57) the state had been paying up to 50 percent of the costs "in installing equipment and facilities for furnishing lunches to the pupils of public schools." In 1945 Act 59 allowed the state board of education to accept federal funds to expand and maintain school lunch and milk programs. It was this program the *Free Press* was discussing; specifically how Congress was consistently and progressively underfunding Vermont's school lunch program. In 1949-50 federal funds fell \$7,000 short; by 1952-53 Vermont had to cover a \$35,000 shortfall.

The clippings from 1952-53 also revealed how the Department of Education's role in the healthcare of students was growing. The department studied the health issues of over 51,000 students; that, however, is an issue for a future column.

The federal hot lunch program addressed, in part, health issues by improving diets through surplus agricultural products. A January 5, 1953, *Newport Express* editorial perceived contradictions in the food programs: "Over and over physicians and medical journals tell us that the average American over eats, and many people die of troubles caused by too great a consumption of food... Yet we are told that a school lunch program is doing great things for health among students resulting in better school work, and school lunches tend to teach us to eat more."

The *Express* noted the shortfall in federal funding and the "staggering" amount of food being provided Vermont schools: 1,455 gallons of concentrated orange juice; 14 ½ tons of peanut butter; 16 tons of canned tomatoes; 12 tons of dried beans; 10 ½ railroad carloads of apples; 23 ¼ tons of honey; 11 ½ tons cheese and so on. The editorial huffed to a close with: "We can only add that in many instances there is much waste, and in some cases comparatively little benefit."

And so I find myself far from my original impulse to write about school consolidation. It is one of the wonderful things about archival records: they can take you to unanticipated places and issues. Why not come to Middlesex and see for yourself?

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Opinions of Opinions

1. The deadline for major and minor party nominations for justices of the peace is now 5 p.m. on August 27, 2010. Justices may be nominated by major or minor party caucus, or if the caucus fails to meet, JPs may be nominated by major or minor party committee to be placed on the ballot for the General Election. 17 V.S.A. §2413. The Elections Division has sent a memorandum to 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 (the

caucuses must meet before the first Tuesday in August). 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 but this 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 regarding nomination of justices of the peace. Whether your town party nominates by caucus or by committee, all statements of nomination of JP candidates must be received by your town clerk by 5:00 p.m. on August 27, 2010.

2. New voters may register to vote in primary until 5:00 pm on August 18. Applications to the checklist (voter registration applications) must be received by the town clerk where the applicant has his or her legal address (principal dwelling place) on or before 5 p.m. on Wednesday, August 18, 2010, in order to be able to vote in the 2010 Primary Election on August 24, 2010. 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 this deadline.

3. Voter must register where his or her "principal dwelling place" is located. The law permits a person to vote only where he or she is domiciled (this is where their principal dwelling place is located). 17 V.S.A. §2122(b). Although a voter with more than one home can choose which home to consider as a principal dwelling place, a voter cannot claim that nonresidential property or undeveloped land is a residence for voting purposes. In addition, if a person's property is located partly in one town and partly in another town, the person must register to vote in the town where the house or dwelling place is located.

4. Voters may sometimes remain on the checklist when they have moved from a town. Voters may remain on the checklist when they have temporarily moved out of a town so long as they have a specific intent to return. For example a person who moves to go to college or temporarily while a new home is being built or during the pendency of a divorce may stay on the voter checklist even though he or she no longer has a dwelling place in the town. In addition, registered voters who are serving in the military and U.S. citizens who live outside the United States may register and continue to vote in the jurisdiction where they last resided immediately prior to moving overseas. Even if a person was not on your checklist, if he resided in your town or city immediately prior to either joining the military or moving overseas, then that person can submit a voter registration form (application to the checklist) and request to vote by absentee ballot.

5. The clerk runs the election unless voters provide otherwise. The law provides that the town clerk is the presiding officer for elections unless the town, by previous vote at an annual meeting or by charter, has provided otherwise. 17 V.S.A. §2452(a). However, if a town clerk will be unavailable or unable to serve at a particular election, then the board of civil authority must promptly appoint a voter of the town to serve as presiding officer. Also, if the town has more than one polling place, the board of civil authority must appoint a presiding officer for each additional polling place. 17 V.S.A. §2452(b)

6. Polling places must be accessible. The law provides that each polling place must be in an accessible public place. The BCA may designate polling places in each voting district or can choose to have all districts vote at a single polling place. The law also permits the voters to designate different polling places at an annual or special meeting. 17 V.S.A. §§2501, 2502. No matter who is designating the polling places, these locations must be fully accessible to people with disabilities. In addition, it is also a best practice to have all polling places in nonsectarian buildings. Although courts in other states have upheld the use of a church all-purpose rooms for voting when absolutely no other public place is available, it is a best practice to take time between elections to find and designate a truly public place for voting.

7. Clerk should arrange a private space for voting early at the town office. The law gives voters the right to mark a ballot "conveniently and privately." 17 V.S.A. §§2502(b), 2504. Now that more voters are choosing to vote early in the town clerk's office, private space should be provided so that the voter can vote secretly. Some clerks have set up voting booths in the office; others have purchased tabletop display boards they can take out when needed to give voters a private space to mark a ballot. A voter can also choose to take the ballot out of the office to complete and then return by 7:00 p.m. on Election Day.

8. In primary, early voter must return all three ballots. Because of the number of contested primaries on this year's ballot we expect higher than usual voter turnout for this year's primary election. Election officials should be sure to remind voters of the rules that apply to the return of absentee ballots to avoid having to unnecessarily treat ballots as defective. In this year's election voters are being sent three primary ballots (a Democratic, a Progressive, and a Republican ballot). The law requires that the voter return all three ballots. The voted ballot must be returned in the voted ballot envelope. Please be sure to remind voters of this requirement! 17 V.S.A. §§ 2362, 2363.

Section 2547 of Title 17 provides that a ballot is defective and cannot be counted if "the voted ballot is not in the voted ballot envelope, or, in the case of a primary vote, the early or absentee voter has failed to return the unvoted portions of the primary ballots." The law does NOT say that the unvoted ballots must be in the unvoted envelope—ONLY that the unvoted ballots must be returned by the voter. The voted ballot must be inside the voted ballot certificate envelope. However, as long as the unvoted ballots are returned, it does not matter if the unvoted ballots are returned in either the unvoted envelope or loose in the larger envelope. In both cases, the voted ballot shall be counted. However, if the voter does not return the unvoted ballots, then the law requires that the voted ballot must be marked defective and may not be counted.

9. Ballots may be overnighted, faxed or emailed when necessary. If a military or overseas voter is concerned about the transit time for receiving and returning a ballot then the voter, a family member or friend can give the town clerk a prepaid overnight or express delivery envelope to speed delivery. A town clerk may also fax ballots to a military or overseas voter upon request along with a certificate to be affixed to a No. 10 Envelope to sign and then use to return the ballots. A town clerk may also email a PDF of the ballots to a voter along with a PDF of the certificate to be affixed to the return envelope. The voter must print the ballots, mark the ballots, complete the certificate, affix it to a No. 10 envelope, then place this in an express delivery envelope for return to the town clerk. Please contact Melanie Hodge at mhodge@sec.state.vt.us if you need a PDF of your ballots or a PDF of the certificate to email.

10. Citizens may observe or "pollwatch" on Election Day in polling places. Each party, candidate, or committee may have two representatives outside the guardrail (away from the voting booths and ballot boxes) for the purpose of observing voters check in at the entrance checklist table. 17 V.S.A. §2564. The presiding officer can set reasonable rules of conduct for observers, such as no use of cell phones and no talking when voters are present. The observers 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 persons who voted during the observer's absence.

11. Parties, candidates and committees may view checklist twice on Election Day in small towns. In towns with less than 500 voters on the checklist, each party, candidate, or committee may make a request in writing at least 12 hours before the opening of the polls to the board of civil authority, to have the right to view the checklist two times during polling hours. 17 V.S.A. §2572. This provision is intended to give an alternative way to ascertain who has voted in small towns where it might be difficult for a candidate or party to find a citizen who could observe or pollwatch 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.

12. Each town party chair is entitled to one free copy of the checklist within the 30 days prior to an election. Any person can request a copy of the checklist which must be provided at cost upon request. 17 V.S.A. §2141. Whether a campaign person or a salesman, the town checklist is a public record that can be obtained upon request and payment of the established fee. As campaigns increase activities as the elections draw nearer, you may receive more requests for checklists. You are not obligated to provide the checklist sorted by street address. Your only obligation is to provide the name and address of each voter on the checklist upon payment of the fee.

13. Exit polls may not be conducted in polling place. Exit polls, questionnaires, or surveys may only be handed out and completed outside the building containing the polling place, even if the survey is sponsored by the selectboard. 17 V.S.A. §2508. Even though it may be helpful in planning for the future, survey questions must be asked and answered outside the polling place.

14. Most candidates for office and their close relatives are excluded from helping to run the election. No candidate may serve as an election official in any election in which his or her name appears in a contested race (more than one candidate) for that office, unless the office is a town clerk, clerk-treasurer, moderator, justice of the peace, ward clerk or inspector of elections (an office in which being an election official is an integral part of the responsibilities of office). 17 V.S.A. §2456. In addition, any candidate disqualified to serve as an election official and any spouse, parent or child of such candidate, cannot deliver absentee ballots. 17 V.S.A. §2538.

15. BCA may appoint assistant election officials. If there are not going to be enough members of the board of civil authority available to staff the polling place(s), then prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters to serve as assistant election officials in each polling place. 17 V.S.A. §2454. The board shall make an effort to appoint an equal number of legal voters of the town from each major party. These election officials must be sworn in before undertaking any election activity.

16. 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. It is a better practice to keep the minutes short and sweet so that interested persons can tell what action was taken at the meeting, but do not become distracted by all of the comments or dialogue that might take place during a meeting. 1 V.S.A. §312. Too much detail 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. 1 V.S.A. §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 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 for motions made.

17. Town may vote to pay salary to tax collector in lieu of fees. A town may vote to pay a salary or other compensation for collection taxes in lieu of fees and commissions to the collector of taxes or collector of delinquent taxes. If this is voted at an annual meeting, the fees and commissions shall be turned in to the municipal treasurer at least once a month. 24 V.S.A. §1530.

18. The selectboard and school board may loan money to each other secured by a note signed by the selectboard or school board as the case may be. 16 V.S.A. §429. The note shall stipulate the terms and the notes shall be payable upon demand or mature within three months from the date of issue. Obviously, the boards need to have the funds available and be willing to cooperate, but we felt it was worth a reminder that this option may be helpful in some towns.

19. Selectboard may adopt own rules of procedure. Although Vermont law requires school boards to use Roberts Rules of Order, no law specifies what rules of order must be followed by selectboards. This means that boards can choose to use Roberts; they can use a modified version of Roberts; they can choose to use some other established rules of order or create their own rules.

20. We recommend that boards using Roberts use Roberts for Small Boards. Because Roberts Rules of Order was created for larger assemblies not all of the rules make sense for our municipal boards. For example, in boards with only three or five members it makes sense to allow every member to participate. The chair should not have to stay out of the discussions. The newer versions of Roberts Rules of Order include a modified set of rules that could apply to smaller boards. We recommend that municipal boards that use Roberts Rules of Order use the rules established for small boards.

21. Selectboard may shift spending. In towns where the voters vote the bottom line of the budget, we believe that the selectboard has the authority to diverge from the specific budget items contained in the budget proposal so long as it does not go over the bottom line amount appropriated by the voters. This means that if the board decides the zoning office needs a new photocopier, it might shift money from the recreation budget. Of course, the board may not use highway funds for non-highway purposes. In addition, we believe that a court would not permit the board to reduce the amounts voted to be paid as salary to the town clerk and treasurer or other elected officials, even if these amounts were incorporated into the overall budget of the town (and not separately voted.) 17 V.S.A. § 2664; 19 V.S.A. § 312.

22. Listers may not chase sales. Sales chasing occurs when listers revalue recently sold properties at the sale price and leave unsold properties alone. Spot listing violates the proportional contribution clause of the constitution and it also violates Vermont law which provides that "[t]axes shall be uniformly assessed on the lists of the persons taxed, unless otherwise provided by law." 32 V.S.A. § 4601. Spot listing violates these principles of fair taxation because it treats similar properties in the town differently simply because the property was newly sold. This is true

even if the value set on sold properties is the sales price adjusted by the common level of appraisal (CLA). This is because the CLA developed for tax rate setting purposes is generally higher than the actual level of assessment in town.

23. Lister's spouse may not sit on tax appeals. A member of the BCA who is married to a town lister may not participate in hearing any tax appeals. Remember that a tax appeal is an appeal of the listers' decisions. It would be a conflict of interest for this BCA member to serve even if the BCA believed he or she could be impartial. 12 V.S.A. § 61. Board members must also step down from any appeal that involves a relative, by blood or marriage, who is a first cousin, niece, nephew, aunt, uncle, parent, grandparent, or sibling. Although the law is not specific, BCA members should take care to avoid the appearance of a conflict by stepping aside when former business partners, friends or enemies appeal their taxes, or any situation in which the member might not be able to render a decision squarely on the evidence and the merits, leaving all personal considerations aside.

24. BCA members who appeal their taxes are disqualified from participating in any appeal. BCA members who appeal their taxes or who have any interest in property under appeal are prohibited from serving on the board for tax appeal purposes during the year the property is under appeal. 32 V.S.A. § 4404(d). This means that if a BCA member's spouse has a business property that is being appealed this BCA member may not participate in any of the appeals. Note that BCA members who have grieved to the listers and decided not to the appeal to the board are not disqualified from hearing tax appeals.

25. BCA members may not participate in an appeal involving a close relative or friend. Board members must step down from any appeal that involves a relative, by blood or marriage, who is a first cousin, niece, nephew, aunt, uncle, parent, grandparent, or sibling. 12 V.S.A. § 61. In addition, BCA members should avoid the appearance of a conflict by stepping aside when former business partners, friends or enemies appeal their taxes, or any situation in which the member might not be able to render a decision squarely on the evidence and the merits, leaving all personal considerations aside.

26. Public gatherings of over 2,000 require state permit. The organizers of a commercial public event or gathering expecting 2,000 or more attendees must apply for a permit from the Department of Public Safety at least 30 days before the event is held. The Department of Public Safety may grant the permit, deny the permit, or grant the permit with conditions, such as providing a bond or other financial security. If a town wants to regulate smaller assemblies, the town needs to enact local ordinances or regulations. 20 V.S.A. §§ 4501, 4502.

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Civics Behind the Scenes

by Missy Shea, Civics Education & Vote Outreach Coordinator

It is with bittersweet ambivalence that I sit down to write this, my final submission to the Opinions newsletter. I have accepted a new position as a teaching administrator at a small middle/high school in central Vermont and will be leaving the Secretary of State's office.

Please join me in welcoming Olivia Gay as the new Civic Education and Voter Outreach Coordinator. Olivia is a life-long resident of Calais, with deep community roots and an impressive professional background. She is starting work during an exciting time and will continue to coordinate our civic education and voter outreach programs. This election year we will once again be offering the following programs and services:

Vermont Votes For Kids

The Secretary of State Offices civics education program has been used by schools all over Vermont. We will be inviting teachers to participate again this year. The K-12 civics curriculum provides students the opportunity to learn about the election process, research candidates and help students understand the importance of elections to our democracy.

Democracy in Action Newspaper Pages

Daily newspapers across the state run this six-week series to supplement the Vermont Votes For Kids program. Students and parents can read about the history of voting rights, hot election issues, the polling process, how to evaluate campaign advertising, and much more! Your local schools can order the series by contacting the newspaper directly.

Mock Elections

The culmination of the VVK experience is a mock election where students cast their ballots at school or at their town polling place on Election Day. To provide the best, most realistic voting experience for students, town clerks and teachers can work together to hold the mock election at the town polling place. Please be ready for these requests and call me if you have questions or concerns regarding the mock election process at your polling place or at your local school.

College Voters

Our office will be working with students and staff from Vermont colleges around the state, sponsoring voter registration efforts, to encourage our youngest voters to voice their vote. Our online "College Voters Guide" is a fantastic resource for first-time voters.

Honor A Vet With Your Vote

Especially in an election years when so many Vermonters are serving overseas it is important to honor those brave men and women who have served our country. The Secretary of States office will again be offering the Honor A Vet with Your Vote program! Voters can get a personalized button to publicly honor a veteran of their choice when they go to vote. Clerks and other local officials are welcome to sponsor button drives in your community and we ask that you make buttons available at your town office. It is free and easy to participate in this program.

Election Materials

Register to Vote Here signs and elections stickers are available. And we have a supply of buttons and bumper stickers with our Your Vote is Your Voice message, as well as lots of voter education resources.

For more information about these and other civics education and voter outreach programs offered by the Secretary of State's Office, please contact Olivia Gay at 802-828-1296 or olivia.gay@sec.state.vt.us.

For more information about the Secretary of State's Office's Civics Programs or to order materials visit www.sec.state.vt.us or contact Olivia Gay at 802-828-1296 or email olivia.gay@sec.state.vt.us

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Election Calendar

AUGUST 2010

August 1 (Sunday) Last day for political parties in towns of population more than 1,000 to publish notice of caucus to nominate candidates for justice of the peace in a newspaper having general circulation in the town (three days before caucus) 17 V.S.A. § 2413(d)

August 3 (Tuesday) Last day for political parties to caucus to nominate candidates for justice of the peace. 17 V.S.A. § 2413 (d)

August 4 (Wednesday) Last day for town clerks to post sample ballots (for the primary election) in the same places that have previously posted copies of the warning, notice, and checklist (20 days before primary). 17 V.S.A. § 2522(a)

August 12 (Thursday) Last day for U.S. Congressional candidates to file FEC 12-day pre-primary reports (July 1-August 4). 2 U.S.C. § 434(a)(2)

August 14 (Saturday) 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)

August 16 (Monday) During the eight days immediately preceding 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), 2103(13)

August 17 (Tuesday) Candidates for statewide offices, state senatorial candidates, state representatives, state 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 40 days before the primary. 17 V.S.A. § 2811(a). 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. §§ 2103(13) and 2811(e)

Candidates for county office (probate judge, assistant judges, state's attorneys, sheriffs, high bailiff and justice of the peace) to file ten-day pre-primary campaign finance reports with the county clerk with whom nomination papers were filed. 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. §§ 2821 and 2103(13)

August 18 (Wednesday) Last day, until 5:00 p.m., to apply for addition to the checklist to vote in the primary. Clerks' offices must be kept open from 3:00 p.m. to 5:00 p.m. to receive applications. 17 V.S.A. §§ 2144(a) and (b), 2103(13)

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

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

August 19 (Thursday) 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 election). 17 V.S.A. § 2144b(d)

August 21 (Saturday) Last day for the board of civil authority to designate pairs of justices of the peace, assuring political balance, to deliver early or absentee ballots to ill and physically disabled voters. (three days prior to the election.) 17 V.S.A. § 2538(a)

August 23 (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 this day. 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

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)

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)

Last day to warn party committee meeting for nomination of JP candidates for towns that failed to hold a caucus. 17 V.S.A. § 2383

AUGUST 24 (Tuesday) PRIMARY ELECTION DAY - A primary election shall be held on the fourth Tuesday of August in each even numbered year for the nomination of candidates of major political parties for all offices to be voted for at the succeeding general election, except candidates for president and vice president of the United States, their electors, and justices of the peace. 17 V.S.A. § 2351

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

PLEASE OVERNIGHT YOUR OFFICIAL RETURNS (ORV) to the Office of the Secretary of State, 26 Terrace Street, Montpelier, VT 05609-1101. We must data enter all results on Friday, Saturday, and Sunday in order to have the Statewide Canvassing Report for 10 a.m. on Tuesday.

August 25 (Wednesday) Representative district canvassing committees for single town districts meet at 10:00 a.m. to tally returns. 17 V.S.A. § 2368

August 26 (Thursday) In a manner prescribed by the Secretary of State and within 48 hours of the close of the 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

August 27 (Friday) Representative district canvassing committees in multi-town districts, and canvassing committees for state senator and county offices meet at 10:00 a.m. to tally returns. (three days after the election.) 17 V.S.A. § 2368

Last day for canvassing committees in single town districts to prepare and sign certificates of nomination and mail or deliver in person to each candidate nominated a notice of nomination. (within two days after the canvassing meeting) 17 V.S.A. § 2371(a)

Last day for validly nominated candidates to withdraw their names from the 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 (third day following the primary). 17 V.S.A. § 2412

Canvassing committee for single member district must also file with the secretary of state a list (the "canvassing report") showing the vote for each candidate of each party for each office. 17 V.S.A. § 2371(a)

On or before the first Tuesday in August, upon the call of the town committee, party members in town may caucus and nominate candidates for justice of the peace. 17 V.S.A. § 2413 If no caucus is held, the town committee may meet and nominate candidates for justice of the peace. 17 V.S.A. § 2381(a)(3) All statements of nomination must be filed by August 27.

Last day for candidates for the office of justice of the peace to file statements of nomination with appropriate filing officer (third day following the primary election). 17 V.S.A. §2413

August 30 (Monday) Last day for canvassing committees in multi-town representative districts and for countywide offices and for state senator to prepare and sign certificates of nomination and mail or deliver in person to each candidate nominated a notice of his or her nomination. (two days after the canvassing meeting) 17 V.S.A. §§ 2371(a), 2103(13)

August 31 (Tuesday) Canvassing committees for statewide and congressional offices meet at 10:00 a.m. to tally returns (one week after the primary) 17 V.S.A. § 2368

SEPTEMBER 2010

September 3 (Friday) Last day for a losing candidate to request a recount (within 10 days after the election). 17 V.S.A. § 2602(b)

Last day that a candidate nominated by more than one political party for the same office may elect the party or parties in which the nominee will be a candidate (2nd Friday following primary). The nominee shall notify the Secretary of State or town clerk, as the case may be, of such choice. 17 V.S.A. §2474

Last day for party committees to nominate a candidate due to the death or withdrawal of a candidate after the Primary Election. The party committee has seven days from the date of withdrawal of a candidate. 17 V.S.A. §2386(b)

September 4 (Saturday) Within five days of the date of mailing or personal delivery of a statement of nomination to a candidate for state representative from a single town district, that candidate may request that an error in the candidate's name, residence or party affiliation be corrected or that the candidate's preference as to the candidate's own name be used on the ballot, as well as choosing which party affiliation will be listed if the candidate was nominated by more than one party. 17 V.S.A. §§ 2371(b), 2474

September 8 (Wednesday) Last day that a legal voter may contest the results of the primary election (within 15 days after the election). 17 V.S.A. § 2603(c)

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Tip of the Month

This month's tip comes from the town of Morristown.

As you are aware, Vermont law authorizes the use of a sworn affidavit to allow a citizen who has submitted a voter registration form through the DMV, a voter registration drive, to the town clerk's office, or a social service agency in a timely manner, but whose application has not been received by the town, to add that person to the checklist at the polling place on election day. 17 VSA §2147(a)(4).

Morristown created a one-page form that has a column for Voter's Name, Legal Address, and a checkbox for whether the voter completed the Affirmation. This form gets stapled to the front of the entrance checklist on election day. If you would like to receive a copy of this form, please email the Elections Division at klane-karnas@sec.state.vt.us.

If you have a tip to share, contact Alison Kaiser at akaiser@townofstowevermont.org

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Quote of the Month

Someone's sitting in the shade today because someone planted a tree a long time ago.

Warren Buffett

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