



# Opinions

Office of the Vermont Secretary of State

Vol. 1, , #&

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## A Message from the Secretary

2016 has certainly been a busy year so far for our office. With Town Meeting Day and the Legislative Session successfully behind us, we turn our attention to the upcoming Primary Election on August 9<sup>th</sup>. A main goal of mine since taking office has been to progress voting accessibility and rights throughout Vermont. This has become of particular importance during this presidential election year with added interest in the elections and the accompanying increase in voter registrations and turn-out. Our office is working hard to ensure voting is simple and accessible for all eligible Vermont voters.



I am excited about the passage of Automatic Voter Registration (H.458). This bill passed with strong tri-partisan support and will reduce paperwork, increase the accuracy of our voter checklist, and save money. Starting in July of 2017, all eligible Vermonters who do not choose to opt out will automatically be registered to vote when they receive their drivers' licenses. Combined with Election Day Registration, which begins in January of 2017, these initiatives will help ensure Vermont maintains some of the highest voter registration rates in the country.

We have worked hard over the last several months to get the new elections management platform up and running and to provide trainings for all clerks. While change is often difficult, this is an investment in the future to assist us all in administering fair and reliable elections and will pay dividends in the long run.

We have streamlined the voter registration process for Vermonters with the addition of online voter registration and the "My Voter Page." With these important new tools, eligible voters can now go online and register to vote, check their registration status, request an absentee ballot, find their polling location, and much more at [www.mvp.sec.state.vt.us](http://www.mvp.sec.state.vt.us). With a national sentiment that seems to lean toward voter restrictions, I am proud that Vermont is leading the way in increasing voter access. Of course, we couldn't do it without the willingness and hard work of Clerks. Thank you for being quick to learn, willing to implement these new systems, and eager to help promote voting rights throughout the state.

I am confident that the upcoming primary election will go smoothly. As always, our office is here to help as towns prepare for the upcoming elections.

Enjoy the beautiful Vermont summer!

Sincerely,

## Quote of the Month

"Intolerance is itself a form of violence and an obstacle to the growth of a true democratic spirit."

-Ghandi

# Voice from the Vault

by Tanya Marshall, State Archivist

## PRESERVING LEGACIES... ONE PHOTO AT A TIME

The Vermont State Archives and Records Administration (VSARA) embarked on a special initiative this past May. Twenty-four service members who died in the Vietnam War and had Vermont listed as their “Home of Record” did not have photos on the Vietnam Veterans Memorial Fund’s (VVMF) virtual “Wall of Faces.” There had been on-going calls for photos within the New England area and as of May of this year ten states had completely filled their portion of the wall, preserving the legacies of those who died for our country.



To support this call for photos and honor those service members from Vermont, VSARA tweeted the names and military service records of each Vermont service member missing a photo. To date, four photos have been added, leaving only 20 more to go. We are certain that we can find a photo for each service member through records in local Vermont libraries and historical societies (e.g. school yearbooks and newspapers) or through personal records of the service member’s families and friends.

Please share this initiative with your families and friends (the more people who know about, the more success we will have) and let’s fill this wall and preserve the memory of the remaining 20 Vermonters (80 already have photos on the virtual wall). Here is the list of service members we are hoping will be added to the VVMF’s virtual “Wall of Faces” in the near future.

*Clifton L. Bacon (Manchester)*  
*Roger C. Burnham (Randolph)*  
*Allen J. Greene (Orwell)*  
*Edward D. Henry (North Clarendon)*  
*Wilbur W. Ivanov (Windsor)*  
*Roger F. Jordan (Milton)*  
*David A. La Course (West Burke)*  
*Paul D. LaCroix (St. Johnsbury)*  
*Perley M. Long, Jr. (Montpelier)*  
*Bruce A. Morrison (Proctor)*

*John P. Nowicki (Winooski)*  
*Edwin T. O’Connor, Jr. (Ludlow)*  
*Bruce A. Paquette (St. Johnsbury)*  
*Rollin C. Sargent, Jr. (Johnson)*  
*Harold R. Smith (Winooski)*  
*Fred D. St. George (Hinesburg)*  
*Eugene D. Treadwell (Essex)*  
*Alfred J. Tuttle (Union Village)*  
*George E. Walker, Jr. (Swanton)*  
*Louis W. Washington (Burlington)*

A special thanks to Jack Thurston at NECN for helping us spread the word about this initiative, which aired on both NECN and WPTZ and is accessible online at <http://goo.gl/RuY2gQ>.

To learn more about the VVMF’s virtual “Wall of Faces” visit <http://www.vvmf.org/Wall-of-Faces>.

# Opinions of *Opinions*

## by Secretary of State Jim Condos

1. **The statewide primary election is Tuesday, August 9 and absentee ballots can be requested up until the day before the election.** Previously, the primary was held on the fourth Tuesday in August. Each major party (Democratic, Progressive, and Republican) will hold a primary.
2. **The voter registration deadline for the primary is Wednesday, August 3 at 5 pm.** Clerk's offices must remain open from 3:00 pm until 5:00 pm the Wednesday prior to any election for the person of accepting registration applications. 17 V.S.A. §2144. If a voter will be 18 years old by the general election, they can register and vote in the primary, but not in local elections. 17 year-olds cannot take the voter's oath and must wait until after they turn 18 to take the oath.
3. **At the August Primary voters receive ballots for all three parties and do not need to indicate which ballot they will vote.** Voters (both absentee and those voting in person) will receive ALL **THREE** BALLOTS, vote only one, and then RETURN THE **TWO UNVOTED** BALLOTS TO AN ELECTIONS OFFICIAL who will deposit them in the "un-voted ballots" box (absentee voters place the un-voted ballots in the "Un-Voted Ballots" envelope and return them along with the voted ballot). 17 V.S.A. §2570. The voter then places their voted ballot in the ballot box or tabulator. Voters do not need to indicate what party ballot they voted.
4. **Citizens can now register to vote or update their address online using the Online Voting Registration system.** <https://olvr.sec.state.vt.us/>.
5. **Voters can request absentee ballots and learn about upcoming elections on the new "My Voter Page".** <https://mvp.sec.state.vt.us/>. This new site allows voters to check their absentee ballot status, view a sample ballot, get directions to the polling location, and more.
6. **If an early voter mails or returns in person his voted ballot in the sealed signed envelope and the unused ballot envelope to the town clerk, the voter cannot ask for his ballots back so he can "change his mind".** 17 V.S.A. §2543. The law states that "once an early voter absentee ballot has been returned to the clerk in the sealed envelope with the signed certificate, it shall be stored in a secure place and shall not be returned to the voter for any reason." It is just as if the ballot had been deposited in the voted ballot box on Election Day.
7. **All Justice of the Peace nominations are due in the clerk's office by 5 pm on Friday, August 12.** This is the deadline for both party nominations and independent nominations. Petition and consent forms can be found at [www.sec.state.vt.us/elections/candidates](http://www.sec.state.vt.us/elections/candidates).
8. **Citizens may observe or "pollwatch" on Election Day in polling places.** 17 V.S.A. §2564. 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 checking in at the Entrance checklist table. 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 poll for an hour, election officials do not have to go back and reread names of persons who voted during the observer's absence.

# Opinions of *Opinions*

## by Secretary of State Jim Condos

9. **No candidate shall serve as an election official in any election in which his or her name appears on the ballot in a contested race (more than one candidate), unless they are a candidate for the office of 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. Even if an election official falls into one of the exceptions it is our advice that they not serve if there is a sufficient number of other elections officials to administer the election. It is always best to avoid even the appearance of bias whenever possible even when the statutes allow it.
10. **If there are not going to be enough members of the board of civil authority available to staff the polling places, then prior to the day of the election, the board of civil authority shall appoint a sufficient number of voters from each district to serve as assistant election officials in each polling place.** 17 V.S.A. §2454. The board shall make every effort to appoint an equal number of legal voters of the town (and district) from each major party. These election officials must be sworn in before the polls open and activity begins.
11. **Exit polls, questionnaires, or surveys can 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.
12. **Voters can track candidate's fundraising and spending during the 2016 campaign using the online Campaign Finance System.** <https://campaignfinance.sec.state.vt.us/>. Candidates are required to file reports throughout the campaign and all of the information can be found in our online database.
13. **All absentee ballot requests, issuances, and returns must be entered into the Election Management System (VEMS) by the clerks.** Each request for an absentee ballot, whether from a local voter or an overseas/military voter must be entered into VEMS promptly upon receipt by the clerk. 17 V.S.A. §2534(b). The date issued and the date returned must also be entered into the system. Requests for this data can now be referred to the Secretary of State's office, which is required to provide a statewide list of this absentee ballot activity to those requesting it. 17 V.S.A. §2534(a). This information is also displayed on the My Voter Page of any voter who has requested a ballot, so it is very helpful to your voters tracking this information online if the clerk promptly enters any requests, issuances, and returns of absentee ballots.

# Elections Calendar

## JULY 2016

### **July 10 (Sunday)**

Clerks- Last day to post warning for the statewide primary.

### **July 15 (Friday)**

Statewide and General Assembly candidates- Candidates who have surplus funds from previous campaigns or any candidate that has raised or spent \$500 must file a campaign finance report using the Campaign Finance Information System <https://campaignfinance.sec.state.vt.us/>. 17 V.S.A. §2964 (a)(1) and (2).

PACs and Political Parties- PACs and Parties that have previously registered or new PACs that have raised and spent over \$1,000 or more, must file a campaign finance report using the Campaign Finance Information System <https://campaignfinance.sec.state.vt.us/>. 17 V.S.A. §2964 (a)(1)(A)

### **July 20 (Wednesday)**

Clerks- Last day for to post sample ballots in at least two public places in town and at the clerk's office. 17 V.S.A. § 2552(a)

### **July 30 (Saturday)**

Clerks- 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 2016

### **August 1 (Monday)**

Last day Independent Presidential candidate can turn in petition paperwork (17 V.S.A. § 2402 (d)(1)(A) )

### **August 3 (Wednesday)**

Clerks and Voters- 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)

Clerks and Voters- 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. §§ 2531(a), 2532(b) and (c)

Clerks and Voters- 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)

### **August 4 (Thursday)**

Clerks- 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. § 2144(b) and (d)

Independent candidates for statewide office and general assembly- Last day to turn in petition paperwork to appear on the ballot in the November general election (5 pm the Thursday prior to the primary). 17 V.S.A. §2402(d)(1)(B)

### **August 8 (Monday)**

BCA- At any time prior to the day of the election, the board of civil authority must appoint a sufficient number of voters to serve as assistant election officers for town meeting. 17 V.S.A. § 2454

Voters- Last day to request an early or absentee ballot. Request must be made to the town clerk before the close of business. 17 V.S.A. § 2531(a)

Clerks- Each polling place must 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)

Clerks- Should 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)

### **August 9 (Tuesday) PRIMARY ELECTION DAY**

A primary election shall be held on the second Tuesday in 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 – You are required to enter your unofficial election night results into VEMS on the night of the election. 17 V.S.A. § 2588(c)(1). This only requires entry of vote totals for the candidates named on the ballot and does not require reporting of individual write-in vote totals. Please contact the Elections Division on the night of the election if you are unable to enter your results in VEMS. Your Official Return of Votes must then be entered into VEMS no later than 24 hours following the election.

### **August 10 (Wednesday)**

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

### **August 12 (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 town party chairmen to file statements of nomination for justice of the peace candidates nominated by party caucus or by town party committee with the Town Clerk (not later than 5:00 p.m. on the third day after the primary election). 17 V.S.A. § 2413(a) and (b)

Last day to file petition and consent for independent nominations for justice of the peace candidates (not later than 5:00 p.m. on the third day after the primary election). 17 V.S.A. § 2413(e).

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

### **August 14 (Sunday)**

In the case of a tie between two candidates of the same party for the same office, last day for the state committee of a party, for a state or congressional office; the senatorial district committee for state senate; the county committee for county office; or the representative district committee for a representative to the general assembly to post notice of a meeting to nominate a candidate from among the tied candidates in the primary election (notice shall be given five days before the meeting, which shall occur no later than 10 days following the primary). 17 V.S.A. § 2369(1)

### **August 15 (Monday)**

Statewide and General Assembly candidates- Candidates who have surplus funds from previous campaigns or any candidate that has raised or spent \$500 must file a campaign finance report using the Campaign Finance Information System <https://campaignfinance.sec.state.vt.us/>. 17 V.S.A. §2964 (a)(1) and (2).

PACs and Political Parties- PACs and Parties that have previously registered or new PACs that have raised and spent over \$1,000 or more, must file a campaign finance report using the Campaign Finance Information System <https://campaignfinance.sec.state.vt.us/>. 17 V.S.A. §2964 (a)(1)(A)

### **August 16 (Tuesday)**

#### **Bennington Battle Day- State Offices Closed**

### **August 17 (Wednesday)**

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, 17 V.S.A. § 2103(13)

Last day for a losing candidate to request a recount (within 7 days after the election). 17 V.S.A. § 2602(b)

### **August 24 (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)

## **SEPTEMBER 2016**

### **September 1 (Thursday)**

Statewide and General Assembly candidates- Candidates who have surplus funds from previous campaigns or any candidate that has raised or spent \$500 must file a campaign finance report using the Campaign Finance Information System <https://campaignfinance.sec.state.vt.us/>. 17 V.S.A. §2964 (a)(1) and (2).

PACs and Political Parties- PACs and Parties that have previously registered or new PACs that have raised and spent over \$1,000 or more, must file a campaign finance report using the Campaign Finance Information System <https://campaignfinance.sec.state.vt.us/>. 17 V.S.A. §2964 (a)(1)(A)

### **September 23 (Friday)**

Clerks- Town clerks must receive general election ballots (not later than 45 days before the election). Clerks should store the ballots, except those used for sample ballots and early or absentee ballots, in a secure location until the date of the election. 17 V.S.A. § 2479. All absentee ballot requests received from military & overseas voters must be sent on this date or on the date that the request is received.

### **September 29 (Thursday)**

Last day for clerks to request additional ballots for the general election, due to unusual growth of the checklist (40 days prior to the election). 17 V.S.A. § 2478(d)

Last day for the board of civil authority to divide the checklist and designate polling places for the general election (at least 40 days prior to the election). 17 V.S.A. § 2501(a)

Visit: [www.sec.state.vt.us](http://www.sec.state.vt.us)

[facebook.com/SecretaryOfStateJimCondos](https://www.facebook.com/SecretaryOfStateJimCondos) Twitter: @VermontSOS

**Save the Date!**

When Governments Cooperate  
**STATE GOVERNMENT MUNICIPAL DAY**  
A day of Workshops for Vermont's Local Officials

**Friday, September 9, 2016**

8 am - 4:15 pm

The 2016 session of *When Governments Cooperate*,  
a full day of workshops, technical assistance  
and poster presentations brought to you by the Agency of Natural  
Resources, the Agency of Commerce and Community Development and  
the Agency of Transportation.

*Registration will begin in June.*

For more information, visit [this website](#).

*Opinions*

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