

Preparing for a Successful Post-Town Meeting

The gavel has come down and/or the polls are closed, but the work necessary to ensure a truly successful town meeting is just beginning. This article will help you navigate the myriad of post-meeting legal requirements that pervade Vermont's statutes.

Finalizing Minutes. The town clerk must record all town meeting proceedings. The clerk's record constitutes the official record of all action taken at town meeting and at a minimum must include all articles warned, all motions made, names of those making motions, names of those who spoke to motions and what was said, and the results of all votes. The clerk must request approval of the minutes within seven days from any combination of two officials from the groups designated by statute: moderator, selectpersons, and justices of the peace. This request must be given prompt consideration. 24 V.S.A. § 1152.

Reporting Election Results. State law mandates that the town clerk report the election of certain officials. Each has his or her own deadlines. These include filing a list of the names and addresses of every justice of the peace and selectperson elected along with notation of those newly elected with the Secretary of State (17 V.S.A. §§ 2592(i) and 2665, respectively). The clerk must also deliver a certificate signed by the clerk and one other election official to each candidate for justice of the peace elected. Additional duties include reporting the name of the town treasurer to the State

Treasurer by July 1st (24 V.S.A. § 1166); certifying the name and post office address of the first constable to the county clerk (24 V.S.A. § 1169); and reporting the names, post office addresses, and lengths of term of office of each lister to the Director of the Division of Property Valuation and Review (24 V.S.A. § 1168). The clerk must also file his or her own certificate of election with the county clerk within six days of the election. This certificate is signed by the moderator if elected from the floor or the chair of the board of civil authority if elected by Australian ballot (24 V.S.A. § 1151). Certificates of election can be found on the Elections Division page of the Secretary of State's Office website, http://vermont-elections.org/elections1/town_clerks_movie.html.

The clerk's post-town meeting responsibilities also include reporting certain actions taken by the voters at Town Meeting. Within five days of the meeting, the clerk must certify votes on all financial actions (raise taxes, borrow money, make any appropriation) to the town treasurer and selectboard chair. 24 V.S.A. § 1167. Within six days of Town Meeting, the clerk must report on the method for the collection of taxes to the Director of Property Valuation and Review together with any other related information as the Director requires. 32 V.S.A. § 5167. If the townspeople voted to amend their town charter, the clerk must, under direction of the local legislative body, announce and

post the results of the vote immediately after it is counted and within ten days certify facts of the origin and procedure followed for each amendment adopted, if any, to the Secretary of State and certify the result before any subsequent action on the amendment by the Vermont Legislature. 17 V.S.A. §§ 2645(b), 2663.

Towns that conduct elections by Australian ballot have different reporting requirements depending on how votes are tabulated. In towns that count by hand, the presiding officer must publicly announce the results when each summary sheet is completed. For those that use vote tabulating machines, the presiding officer may publicly announce the results from the tabulator tape and post them as “unofficial incomplete results” in the polling place. The clerk must deliver one certified copy of the election return to the Secretary of State, Senatorial District Clerk, County Clerk, and Representative District Clerk within 48 hours of the close of the polls. 17 V.S.A. § 2588.

Bonding Requirements. Certain officers must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. Bond amounts are set by the selectboard and paid for by the town. The clerk must record all bonds filed in a separate book kept for that purpose. 24 V.S.A. §§ 832, 833, 835.

Settling Accounts. If a new treasurer is elected, his or her predecessor must immediately pay over all funds belonging to the town and town school district and deliver all books and papers in his or her possession. 24 V.S.A. § 1578. Similarly, if a new collector of taxes is elected, his or

her predecessor must lodge with the treasurer all uncollected tax bills and all moneys collected thereon. These bills must be audited and reissued to the new collector, who must in turn provide a receipt for the same. 32 V.S.A. § 4671.

Administering Oaths of Office. A handful of town officers must be sworn into office before carrying out any of their duties. Among them are the clerks and their assistants (24 V.S.A. §§ 831 and 1171); selectpersons, justices of the peace, constables, listers, grand jurors, and fence viewers (24 V.S.A. § 831); village clerks, treasurers, and collectors of taxes (24 V.S.A. § 1306); assistant election officials (17 V.S.A. § 2454(a)); and members of the board of civil authority (32 V.S.A. § 4405). State law prescribes different oaths for different town officers. The town clerk may administer oaths of office whenever they are required and must keep a record of all oaths taken. The clerk’s oath may be administered by a justice of the peace; notary public; supreme, superior, or assistant court judge; presiding officer, secretary or clerk of either chamber of the Vermont General Assembly; or by the Governor. A listing of the different oaths of office can be found on the Elections Division page of the Secretary of State’s Office website, http://vermont-elections.org/elections1/town_clerks_movie.html.

Appointing Assistants. After his or her election, the town clerk must appoint at least one assistant. 24 V.S.A. § 1170. The treasurer may, but does not have to, appoint an assistant. 24 V.S.A. § 1573. If the treasurer fails to appoint an assistant within ten days of a selectboard’s request to do so, the selectboard may appoint one for him or her. The clerk’s assistant must be sworn into office. 24 V.S.A. § 1171. A record of the assistant clerk’s appointment must be certified by the clerk and a copy of the

assistant's oath must be deposited with the county clerk. 24 V.S.A. § 1172. Appointments for both offices must be recorded in the town clerk's office.

Organizational Meetings. After its election, the selectboard must hold an organizational meeting at which it must elect a chair and, if it so votes, a clerk. Certificates of election for these positions must be recorded with the town clerk. The selectboard must also appoint a legally qualified voter to serve as the tree warden and may, though it is no longer required to, appoint three fence viewers, a poundkeeper (residency not required), and one or more inspectors of lumber, shingles and wood, and weighers of coal. These appointments, if made, must be recorded by the town clerk. This is also a good time for the selectboard to establish its regular meeting schedule. 24 V.S.A. § 871.

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