

**From:** [Bristol Clerk](#)  
**To:** [Bristol Town Administrator](#)  
**Subject:** FW: Update on Annual Meeting Legislation  
**Date:** Thursday, January 13, 2022 12:12:50 PM

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Hi Valerie

Below is a communication from the Secretary of State's office regarding the two Election law legislation awaiting the Governor's signature.

The Selectboard needs to decide the first two bullets. The second two are FYI.

S.172

- SB may vote to have all articles by Australian Ballot (same as last year) with informational meetings at least 10 days prior to election. As stated before the warning may not contain "any question on whether the municipality shall adopt the Australian ballot method of voting on a permanent basis,...for any or all articles, for any subsequent municipal elections."
- SB may vote to move Town Meeting to a later date. (I'm not in favor of)

S.223

- Candidate Petition - signatures of voters are not required for candidates for local office. (I've received 3 candidate petitions already and all have petition signatures). This is probably for towns that move their town meeting to a later date or for those who have not yet submitted their Candidate Petition.
- The School Board may vote that ballots do not have to be commingled prior to the counting. (this means I wouldn't have to find someone to take to Hannaford Career Center or Mt Abe is they choose not to commingle).

Thanks.

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**NOTE: We are now open to the public. Our new office hours are Monday – Thursday - 8 am to 4:30 pm. The office is CLOSED on Fridays. Appointments are still required for research in the Land Records.**

Please note that this email message, along with any response or reply, is considered a public record, and thus, subject to disclosure under the Vermont Public Records Law ([1.V.S.A. §§ 315-320](#)).

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**From:** Senning, Will <[Will.Senning@vermont.gov](mailto:Will.Senning@vermont.gov)>

**Sent:** Thursday, January 13, 2022 11:21 AM

**To:** SOS - Elections <[SOS.Elections@vermont.gov](mailto:SOS.Elections@vermont.gov)>

**Subject:** Update on Annual Meeting Legislation

Good Morning Clerks,

We are writing today to give you an update on the election law legislation regarding this year's annual meetings.

There are currently two bills that address modified procedures for this year's annual meetings in light of the continuing concerns surrounding the virus. They are [S.172](#) and [S.223](#). As of yesterday, both bills have been passed by both the House and Senate and are awaiting the Governor's signature. Both bills are fairly straightforward and each have two primary operative provisions you should be aware of.

[S.172](#) authorizes the legislative body of a municipality (selectboard, trustees, city council, school board) to do either, or both of the following:

- The legislative body may vote to have any articles that are typically voted on at an in person floor meeting to instead be voted on by Australian ballot this year.
- The legislative body may vote to move the date of the annual meeting this year to a later date in 2022.

There are a few important details in the bill regarding both of these:

- If the legislative body votes to use the Australian ballot system for articles that are otherwise typically voted from the floor:
  - The informational hearing that is required to be held by the legislative body within ten days before the meeting may be held by electronic means without designating a physical location. A telephone option must be provided to access the hearing if feasible and the hearing must be recorded if possible.
  - The Warning may not contain "any question on whether the municipality shall adopt the Australian ballot method of voting on a

permanent basis, for any or all articles, for any subsequent municipal elections.”

- The Secretary of State’s Office is authorized to waive statutory deadlines related to the conduct of the Australian ballot process, if necessary, such as the deadline for candidates to file (Jan. 24) and the ballot printing deadline (Feb.9). Please email JP at [jp.isabelle@vermont.gov](mailto:jp.isabelle@vermont.gov) to request any such waiver.
- If the legislative body votes to move the date of the annual meeting to a date later in the year:
  - The current municipal officers shall serve until the annual meeting is held and their successors are chosen.
  - If the meeting date is moved, the deadlines in the statute move as well. For instance the ballots would need to be prepared 20 days before the newly rescheduled meeting date, and the candidate filing deadline would be the sixth Monday before the new date. Any petitions for articles or candidates that were accepted before the meeting date was moved shall be valid for the rescheduled meeting and do not have to be filed again.

S. 223 contains the following two provisions:

- Petitions containing signatures of voters are not required for candidates for local office at the annual meeting. These candidates will simply need to file a consent form on or before the deadline (Jan. 24). You can find a [Consent of Candidate form on our website](#).
- If a union school district is otherwise typically required to commingle the ballots of the member towns prior to counting the results, the school board may vote to not require the commingling of ballots and instead allow the ballots to be counted in each of the member towns with the results being reported by each member town to the school district clerk.

**In summary**, as soon as these bills are signed by the Governor, for this year’s annual meeting only:

- Signatures will not be required for candidates for local office, only a consent form will be required.

- The legislative body may choose to have any articles typically voted from the floor instead be voted by Aus Ballot.
- The legislative body may choose to postpone the meeting date until a date later in the year.
- The school board of a union school district may vote that ballots do not have to be commingled prior to counting.

For those of you who are new clerks, or who have never conducted an election using the Australian ballot system and will be doing so for this year, please review [17 VSA 2680](#) carefully, as it contains the basic requirements for this process. A few of the most important parts of the process to be aware of are as follows:

- Consent forms for candidates wishing to be on the ballot must be filed by the sixth Monday before the election (Jan. 24 for a meeting held on March 1).
- The Warning must be approved and posted no less than 30 days before the meeting.
- The ballots must be prepared and available for voters for early voting no less than 20 days before the meeting (Feb. 9 for a meeting held on March 1).
- As soon as ballots are available, voters may request a ballot and may vote that ballot in person at the clerk's office if they choose during normal business hours and in accordance with any current municipal policy regarding the clerk's office.
- Pursuant to Act. 60, the legislative body may, but is not required to, vote to mail a ballot proactively, without requiring a request, to all active voters on the voter checklist.
- An informational hearing must be held by the legislative body within the 10 days preceding the meeting. This year, this informational hearing may be held by electronic means without a physical location.
- A polling place must be open on the annual meeting/election date for voters to vote in-person. The polls must open anytime between 5 a.m. and 10 a.m. and must close at 7.

If any of you are conducting an Australian ballot election for the first time, please feel free to contact our office with questions at [sos.elections@vermont.gov](mailto:sos.elections@vermont.gov).

We hope this helps clarify the options you will have available as soon as the Governor signs these emergency bills into law. We will continue to be in touch over the coming weeks with further guidance and reminders. Please contact us if you need assistance and we will do our best to be as responsive as possible.

Thank you,  
The Elections Team

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**PLEASE NOTE THAT MY EMAIL ADDRESS HAS CHANGED. My new address is [will.senning@vermont.gov](mailto:will.senning@vermont.gov)**