

***How many days before town meeting may a person vote by absentee ballot?***

First, it must be pointed out that the absentee ballot process of voting is only available to voters when the question is to be voted on by Australian ballot (where ballots are prepared in advance of town meeting). Unless specifically required by statute, or the voters vote to use the system, the Australian ballot system does not apply to an annual or special meeting of a municipality (17 V.S.A. §2680). Two examples of actions requiring the use of Australian ballot are replacing an elected constable with an appointed one (17 V.S.A. §2651a), and adopting or amending zoning bylaws in rural towns (24 V.S.A. § 4404). Some towns also choose to use this system to elect officers, act on the budget and other financial matters, and decide some or all public questions. Clearly, there is no way to allow absentee balloting if your town votes “from the floor” at town meeting. Voters have to be present to be counted.

In *local* elections, if an article is to be voted by Australian ballot, a voter may vote as many as 20 days before the election. The reason for this is that the law requires the town to prepare ballots a minimum of 20 days before the local election (17 V.S.A. § 2681a). The clerk is then required to make the ballots available to persons requesting them. To wit, “*The absentee ballots shall be mailed forthwith upon the filing of a valid application (request for absentee ballot by voter), or upon the town clerk’s receipt of the necessary ballots, whichever is later.*” (emphasis added). 17 V.S.A. § 2539(a). Further, ballots for state-wide elections (presidential primary, September primary, and general elections) must be made available to town clerks by the Secretary of State’s office no later than 35 days prior to the election (17 V.S.A. § 2479). Thereafter, applications for absentee ballots can be processed.

A voter who expects to be absent on the day of election, or an authorized person acting in the voter’s behalf, may apply for an absentee voter ballot by telephone, in person, or in writing. A voter can apply until 5 p.m., or the closing of clerk’s office, on the day before election, and an authorized person can request a ballot for another person until noon on the day before election. More and more absentee voters are finding it convenient to apply and vote in person at the town clerk’s office, saving both themselves and the town the expense and time involved in mailing the application. It should be noted that a voter cannot pick up an absentee ballot and take it to another location to fill out later and mail back. The ballot *must be* completed at the clerk’s office.

A final word about absentee voting. There is the perception by some that only voters who are ill, or who suffer from a disabling physical condition that prevents them from getting to the polls, can vote by absentee ballot. The fact is, however, that you don’t have to be sick or disabled to vote early. Any registered voter *can* vote early (17 V.S.A. § 2531(a)). We do not, however, wish to give the impression that we are encouraging early voting as a general rule. In addition to electing [its] officers by Australian ballot, many municipalities vote on a variety of public questions and money articles by Australian ballot. In this case, the law requires the legislative body to hold a public informational hearing on the questions within 10 days of the vote. 17 V.S.A. § 2680(g). By voting too early, you run the risk of making a decision before you have a chance to attend this

hearing and gather all of the information needed for an informed decision. Needless to say, whether you vote on the day of the election, or earlier if need be, what's important is that you participate in local government. Please vote!

*VLCT News*, January 2000