

***Must a clerk or treasurer of a fire district be a resident of the district he or she serves?***

Yes. Generally, a clerk or treasurer must be a “legally qualified voter” from the municipality that he or she serves. 17 V.S.A. § 2646. Since a legally qualified voter may only vote in the municipality in which he or she is domiciled, the clerk or treasurer must consequently be a resident of that municipality. 17 V.S.A. §§ 2121, 2122(b). The statutory language governing a clerk or treasurer of a fire district is slightly different, but the result is the same.

The residency requirements for the clerk and treasurer of a fire district are laid out in 20 V.S.A. § 2485. That statute provides, “A fire district shall elect at its first meeting and at each annual meeting thereafter a clerk, a treasurer and collector of taxes.” While the law is silent as to the residency requirements of a clerk or treasurer, the Legislature made specific allowance for the election of other officers who are not inhabitants of the district. “Such fire district may elect a chief engineer and such assistant engineers as are necessary, *whether or not they are inhabitants of the district.*” 20 V.S.A. § 2485 (emphasis added). So, why would the Legislature go out of its way to declare that engineers do not have to be inhabitants of the district? The answer is that this is an exception to the general rule that municipal officials must be residents of the municipalities they serve.

This interpretation is reinforced by the very next statutory provision, 20 V.S.A. § 2486, which states, “A fire district may elect the collector of town taxes, *although he is not an inhabitant of the district,* to be the collector of fire district taxes.” As the Legislature did not extend this exception to the clerk or treasurer of a fire district, it does not extend to those offices. Consequently, to be eligible to sit as clerk or treasurer in a fire district, the candidate must be a resident of that fire district.

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