

## ASK THE LEAGUE

### *Town Meeting Q and A*

*Who is responsible for minutes at town meeting?*

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 then request approval of the minutes within seven days from any two of the following municipal officials that were present at town meeting: moderator, selectpersons, and justices of the peace. This request must be given prompt consideration. 24 V.S.A. § 1152.

*What actions must be taken by the town clerk to report election results?*

State law mandates that the clerk report the election of certain officials. Each elected office has its own requirements. Reporting includes filing a list of the names and addresses of every selectperson elected with the Secretary of State (17 V.S.A. § 2665); 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 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 the clerk is 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 at the Elections Division of the Secretary of State's Office at [http://vermont-elections.org/elections1/town\\_clerks\\_movie.html](http://vermont-elections.org/elections1/town_clerks_movie.html).

The clerk must also report certain actions taken by the voters at town meeting. Within five days of the meeting, the clerk must certify votes on all financial actions to the town treasurer and selectboard chair. 24 V.S.A. § 1167. Within six days of town meeting, the clerk must report the method for the collection of taxes to the Director of Property Valuation and Review. 32 V.S.A. § 5167. If the townspeople voted to amend their town charter, the clerk must 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(c).

*Which town officers elected at town meeting are required to be bonded?*

Certain officers must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, and clerks. 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, 835.

*Which municipal officers must be sworn in prior to carrying out their duties?*

A handful of town officers must be sworn into office before actually carrying out any of their duties. They include clerks and their appointed assistants; selectpersons; justices of the peace; constables; listers; grand jurors; fence viewers; village clerks, treasurers, and collectors of taxes; assistant election officials; and boards of civil authority. 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. 24 V.S.A. § 1160. 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, and must be filed with the county clerk's office within six days of the his or her election. 12 V.S.A. § 5852; 24 V.S.A. § 1151. For more information about the oaths, please refer to the Handbook for Vermont Municipal Clerks on the VLCT Resources webpage, [www.vlct.org/league-resources/search-vlct-resources/](http://www.vlct.org/league-resources/search-vlct-resources/).

*What are the requirements for appointing assistants to the clerk and treasurer?*

After his or her election, the town clerk must appoint at least one assistant. The treasurer may, but does not have to, appoint an assistant. If the selectboard requests that the treasurer appoint an assistant, and he or she fails to do so, within ten days of a selectboard's request, the selectboard may appoint an assistant treasurer. 24 V.S.A. § 1573. An assistant treasurer appointed by the selectboard must provide a bond as set by the selectboard and paid for by the town. The clerk must record the bond. 24 V.S.A. §§ 832, 835. The clerk's assistant must be sworn into office. 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. Appointments for both offices must be recorded in the town clerk's office.

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