

## ASK THE LEAGUE, JULY 2014

**Our town’s board of civil authority is faced with more than 50 property tax assessment appeals. We would like to increase the number of justices of the peace to help expedite the tax appeal hearing process. How is this done?**

Interestingly enough, the Vermont Constitution, not state statute, prescribes the number of justices of the peace for every town on the basis of population. The state constitution sets the maximum number of justices that may be elected, however a town may choose to elect fewer if it wishes. The following table shows the number of justices allocated to each town according to population:

Population	Number of Justices
Fewer than 1,000	5
1,000 to 1,999	7
2,000 to 2,999	10
3,000 to 4,999	12
5,000 and above	15

Justices of the peace, however, are only elected “biennially on the first Tuesday next after the first Monday of November” during the general election. Vermont Constitution, Chapter II, § 43. Additionally, the Governor may only fill a justice of the peace vacancy if it occurs by resignation, death, insanity, or when an incumbent moves to another state. These are the only instances where a new justice of the peace can take office outside a general election.

Unfortunately, your board of civil authority will, for the time being, have to proceed with the current number of justices unless there is a valid vacancy that needs to be filled. If the town has too few justices, based on current population statistics from the most recent census, an article to increase the number of justices should be added to the next town meeting warning. If the article passes, the additional justices will be elected at the next general election.

For more in-depth information about justices of the peace, please refer to the Secretary of State’s “The Vermont Justice of the Peace Guide” ([www.sec.state.vt.us/media/258659/JP\\_Guide.pdf](http://www.sec.state.vt.us/media/258659/JP_Guide.pdf)).

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