

The gavel has come down and the polls are closed, but the work necessary to ensure a truly successful town meeting is just beginning. This article will help you navigate the numerous post-town meeting legal requirements found in Vermont statutes.

The Official Record. Under state law, the town clerk must record “all proceedings of all town meetings.” There is no requirement that the clerk create a full transcript of the meeting, but the record should at least include the following information: all articles introduced, the substance of any motions made, the identity of the motion-makers and of those who spoke in regard to the articles and motions, and the results of all votes taken. Once it is created, the record must be approved by any two of the following officials who were present at the meeting: moderator, selectpersons, and justices of the peace. The clerk must request approval of the record from these officials within seven days after the meeting and the request must be given prompt consideration. 24 V.S.A. § 1152.

Certifying Elections. State law mandates that the town clerk report the election of certain officials. Certificates of election can be found on the Elections Division page of the Secretary of State’s Office website, <https://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>. Here are some of the elected positions to be certified:

- **Town Clerk:** File a certificate of election or appointment and a copy of the official oath with the county clerk within six days of the election or appointment. This certificate must be signed by the moderator if the clerk is elected from the floor; by the chair of the board of civil authority if the clerk is elected by Australian ballot; or by the selectboard if the clerk is appointed. 24 V.S.A. § 1151. The clerk must also supply each library in town with two copies of the town report and one copy to the Vermont State Archives and Records Administration. 24 V.S.A. § 1173.
- **Treasurer:** Report the name of the town treasurer to the state treasurer on or before July 1st of every year. 24 V.S.A. § 1166.
- **Selectpersons:** File with the Secretary of State a list of the names and addresses of selectpersons elected and notify the Secretary of State of any changes in the list as filed. 17 V.S.A. § 2665.
- **Lister:** Names, post office addresses, and lengths of term of office of each lister must be reported electronically to the director of the Division of Property Valuation and Review after each annual meeting and in the event that a lister is appointed to fill a vacancy. 24 V.S.A. §1168.
- **First Constable:** Certify the name and post office address of the person elected to the county clerk. 24 V.S.A. § 1169.
- **Justice of the Peace:** Send or deliver to each candidate that is elected a certificate (on a form provided by the Secretary of State) signed by the town clerk and one other election official. The town clerk shall also file with the Secretary of State a list of the names and

addresses of justices of the peace and notify the Secretary of State of any changes in the list as filed. 17 V.S.A. § 2592(i).

Announcing and Reporting Votes. The clerk’s post-town meeting responsibilities also include reporting certain actions taken by the voters at town meeting. When a town votes to raise a tax, borrow money, or to make any appropriation, the town clerk must certify such vote within five days to the town treasurer and selectboard chair. 24 V.S.A. § 1167. If the townspeople voted to amend their town charter, the clerk must, under direction of the selectboard, announce and post the results of the vote immediately after it is counted. Within ten days, the clerk must 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.

For any primary or general election held concurrently with town meeting, 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 town clerk must report, as soon as practicable on the day of the election, the unofficial vote counts of all candidates whose names appeared on the ballot to the Secretary of State electronically via the Secretary’s online elections reporting system or, if unable to submit electronically, via telephone, facsimile, or e-mail. The clerk must deliver one certified copy of the election return to the Secretary of State, the senatorial district clerk, the county clerk, and the representative district clerk within 48 hours of the close of the polls. 17 V.S.A. § 2588. No reporting to these entities is required for elections that are local only.

Appointing Assistants. After his or her election, the town clerk must appoint at least one assistant. 24 V.S.A. § 1170. The assistant clerk must be sworn into office. 24 V.S.A. § 1171. 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. 24 V.S.A. § 1172. The treasurer may, but does not have to, appoint an assistant. 24 V.S.A. § 1573. If the treasurer fails to appoint an assistant within ten days of a selectboard’s written request to do so, the selectboard may appoint one for him or her. Appointments for both offices must be recorded in the town clerk’s office.

Administering Oaths of Office. A handful of town officers must be sworn into office before carrying out any of their duties. Among them are the clerks and their assistants (24 V.S.A. §§ 831 and 1171); justices of the peace (4 V.S.A. § 491); selectpersons, constables, listers, and fence viewers (24 V.S.A. § 831); village clerks, treasurers, and collectors of taxes (24 V.S.A. § 1306); assistant election officials (17 V.S.A. § 2454(a)); and members of the board of civil authority (32 V.S.A. § 4405). 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. 12 V.S.A. § 5852. A listing of the different oaths of office is posted on the Elections Division page of the Secretary of State's Office website, <https://www.sec.state.vt.us/elections/town-clerks-election-workers.aspx>.

Settling Accounts. When a new treasurer is elected, his or her predecessor must immediately pay over to his or her successor all funds belonging to the town and town school district and deliver all official books and papers in his or her possession. 24 V.S.A. § 1578. Similarly, if there is a change regarding the collection of taxes, the predecessor collector must give the treasurer all uncollected tax bills and all moneys collected thereon. These bills must be audited and reissued to the new collector, who must in turn provide a receipt for them. 32 V.S.A. § 4671.

Bonding Requirements. Certain officers and employees must provide a bond conditioned on the faithful performance of their duties. These include constables, road commissioners, collectors of taxes, treasurers, clerks, assistant treasurers when appointed by the selectboard, and any other officer or employee of the town authorized to receive or disburse town funds. 24 V.S.A. § 832. The purpose of the bonding requirement is to protect the municipality financially from the possible wrongdoing, misappropriation, or honest mistake committed by its officers or employees. Bond amounts are set by the selectboard and paid for by the town. 24 V.S.A. § 835. Such bonding is customarily done through the town's insurance carrier or a specialty surety company. (VLCT PACIF provides coverage to its member municipalities that meets the statutory requirement for bonding but is technically not a bond. Certain acts committed by elected and appointed officials and employees are covered by the PACIF program as stated in the coverage document. PACIF will facilitate the procurement of additional coverage.) On approval, the selectboard must file all bonds with the town clerk who must record them in a separate book kept for that purpose. 24 V.S.A. § 833.

Organizational Meetings. After its election, the selectboard must hold an organizational meeting at which it must elect a chair and, if it so votes, a selectboard clerk. 24 V.S.A. § 871. Certificates of election for these positions must be recorded with the town clerk. The first organizational meeting of the selectboard is a good time to establish the board's regular meeting schedule and adopt rules of procedure available on the [Resource page of our website, vlct.org](https://www.vlct.org). The selectboard may also want to use this meeting to designate physical locations in the town for posting meeting notices, choose the town's newspaper of record for public notices, and authorize a designated selectboard member to sign orders on behalf of the town. The selectboard must also appoint a person to serve as tree warden, who may be a non-resident. The selectboard must certify to the Commissioner of Forest, Parks and Recreation the tree warden's appointment and contact information at: <https://anrweb.vt.gov/FPR/vtFPR/TreeWarden.aspx>. Though no longer required, the selectboard may appoint three fence viewers, a poundkeeper (residency not required), a town service officer, a grand juror, and one or more inspectors of lumber, shingles, and wood, and weighers of coal. These appointments, if made, must be recorded by the town clerk. 24 V.S.A. § 871.

Validating Errors or Actions. If there was a mistake in the way the town meeting was warned or noticed, there will need to be a subsequent town meeting to “validate” the action taken at the first meeting. Seventeen V.S.A. § 2662 allows voters to “correct and legalize” an omission or noncompliance with notice and warning requirements for a town meeting so long as the meeting and the business conducted at that meeting was otherwise legal and within the scope of the town’s authority. Validation takes place when the town holds a properly warned subsequent special or annual town meeting and votes to “readopt, ratify and confirm” the action taken at the first meeting. 17 V.S.A. § 2662. The town need not vote anew on each article of the prior meeting, but merely pose one question in substantially the following form: “Shall the action taken at the meeting of this town [or city, village or district] held on [state date] in spite of the fact that [state the error or omission], and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed?” 17 V.S.A. § 2662.

Validation may also be used to correct and legalize procedural errors or omissions in the conduct of the town meeting itself. In this type of situation, it is the selectboard that must act to validate the previous town meeting. Seventeen V.S.A. § 2662 allows a selectboard, at a properly warned selectboard meeting, to pass a resolution by a two-thirds vote stating that the procedural error or omission that occurred at the town meeting was “the result of oversight, inadvertence or mistake.” Once this resolution is passed, and assuming that the town otherwise had the power to act, the actions taken at the prior town meeting are deemed valid.