



ELECTIONS BULLETIN

FOR SEPTEMBER 14th PRIMARY AND NOVEMBER 2nd GENERAL ELECTION

To: All Town Clerks with a special section for Representative District Clerks
From: Kathy DeWolfe, Director of Elections and Campaign Finance
Melanie Jacobs, Elections Administrator & David Crossman, Elections Administrator
Date: June 25, 2004

OOPS! We have included 3 copies of the **Town Clerks and Treasurer Guide** that were omitted from our last mailing. Sorry for any inconvenience.

Please substitute the enclosed pages of the 2004 updates in your **Vermont Election Law** booklet.

Additional Election Procedures Workshop at Bennington Town Clerk's Office, 6:30 p.m. Thurs, July 15
Please notify your BCA members and join us in Bennington OR at previously scheduled workshops at the **Wallingford Town Office, 6 p.m. Tues, Aug. 17** or **Vergennes Opera House, 6 p.m. Thurs, Aug. 19**
(Please email dcrossman@sec.state.vt.us or send us a fax to let us know how many folks from your town will attend.)

Reminder for Accuvote Towns

There will be two more training sessions offered by LHS Associates for the towns that are using the Accuvote tabulators. These sessions are scheduled for Wednesday, July 14th, from 3:30-5:00 p.m. at the Milton Town Hall and on Thursday, July 15th, from 3:30-5:00 p.m. at the Rutland City Hall. If you plan on attending one of these sessions, please RSVP by calling Peaches at LHS Associates at (888) 547-8683 so LHS will have an accurate number for dinner.

Representative District Clerks

If you are a Representative District Clerk, your first duties as Representative Clerk for the 2004 Primary are outlined below. (You would have also done these duties in 2002 and you will continue through the 2010 election until the next reapportionment is completed in 2012.) We will continue to send you reminders of duties as the election season progresses.

JULY

Petitions/Consent Forms for the Democratic, Progressive and Republican Primaries: As soon as possible after receiving each petition for candidates for the House of Representatives for the Primaries: Review the petition to determine if there are a sufficient number of legible signatures. (50 signatures are required for House of Representatives). If the petition meets the statutory requirements in 17 V.S.A. §2358 (reprinted below), **fax a copy of the consent form to our Elections Division at (802) 828-5171.** All petitions must be accompanied by a consent form that states in what form the candidate would like his or her name to appear on the ballot. We cannot print a candidate's name on the ballot without a consent form, so please make sure that each candidate has completed and submitted a consent form when he turns in his petition.

You cannot wait until the filing deadline to review all petitions. If petitions are filed early, you must review the

Office of the VT Secretary of State – Elections Division

Phone: (802) 828-2464 or Toll-Free (800) 439-VOTE

Fax: (802) 828-5171 On the web: www.sec.state.vt.us

Kathy DeWolfe, Director of Elections and Campaign Finance 828-2304 (kdewolfe@sec.state.vt.us)

Melanie Jacobs, Elections Administrator 828-0175 (mjacobs@sec.state.vt.us)

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petition within 3 days of receiving the petition in your office, and if noncomplying, you must notify the candidate in writing within 3 days of receipt, stating the reasons why the petition is unacceptable. The candidate can then file supplementary petitions up to ten days from the original filing, but please ask any candidate who needs supplementary petition signatures to return them a.s.a.p. Also, call us to advise that supplementary petitions may be coming.

Do not count a signature toward the total needed if you cannot identify the name of the person who signed, i.e. as long as you can read the printed name, the signature does not have to be clear. Remember you no longer have to check name by name against the checklist unless you have reason to believe the petitions are defective on their face, such as obvious forgeries, or you have reason to believe that the signatories are not registered voters in the district. If you have questions, call our office and we will assist you on a case by case basis.

A legal voter (registered and qualified to vote in the district for the candidate) may not sign more than one petition for the same office unless more than one nomination is to be made (i.e., multiple seats in a representative or senatorial district such as 2 senators from Windham County). The law is silent on what should be done to remedy the signing of more petitions than allowed by a voter. Some clerks use first come, first serve --counting the signature on the first petition filed and disallowing it on any petitions filed thereafter. Other clerks do not count the signature on either petition. Either method is acceptable, but be consistent.

A person's name cannot be listed as a candidate on the primary ballot of more than one party in the same election. For example, John Jones cannot drop off two sets of petitions containing fifty signatures for nomination as both a Democratic and a Republican state representative. He must choose one party primary. (He can receive write-in votes in the other primary.) **If a candidate waits until the filing deadline and then submits petitions that do not have the required number of signatures (50 for state representative), you must reject the petition and the candidate cannot supplement.** Supplementary petitions cannot be accepted if a sufficient number of signatures were not filed by the deadline.

17 V.S.A. § 2358. Examining petitions, supplementary petitions

(a) The officer with whom primary petitions are filed shall examine them and ascertain whether they contain a sufficient number of legible signatures. The officer shall not attempt to ascertain whether there are a sufficient number of signatures of actual voters unless the officer has reason to believe that the petitions are defective in this respect.

(b) If found not to conform, he shall state in writing on a particular petition why it cannot be accepted, and within seventy-two hours from receipt he shall return it to the candidate in whose behalf it was filed. In such case, supplementary petitions may be filed not later than ten days after the date for filing petitions. However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the required number were not received by the filing deadline.

(c) A signature shall not count for the purpose of meeting the requirements of section 2355 of this title if the officer with whom primary petitions are filed: (1) cannot identify the name of the person who signed, or (2) if necessary, determines that the person is not on the checklist of the town which the person indicates as his town of residence.

(d) An officer with whom primary petitions may be filed may obtain from the appropriate town clerks certified copies of current checklists as needed to verify the adequacy of primary petitions; town clerks who are asked by a filing officer to furnish certified copies of checklists for this purpose shall furnish the copies promptly and without charge.

<p>We need your cooperation in faxing consent forms to us as soon as possible. We have a VERY SHORT time to enter data and get the information to the printers for the ballots.</p>
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AUGUST

Campaign Finance: Representative District, Senatorial and County Clerks will be receiving campaign finance reports from many of the same candidates who filed petitions with your office. Candidates need not file unless they have raised or spent \$500, so if you don't receive a filing from a particular candidate please don't assume they are breaking the law.

Please remind the candidates that they must also file the campaign finance report in the Office of the Secretary of State and refer candidates to our office for additional information or questions about campaign finance.