

# Middlebury Board of Civil Authority

Tuesday May 16, 2017

6:30PM

## Agenda

### 1. Call Meeting to Order

### 2. Welcome & Outline of BCA Duties:

The Board of Civil Authority is made up of three different offices, Selectboard, Town Clerk, and Justice of the Peace. The Vermont League of Cities & Towns publishes guides for Selectboards, Handbook for Vermont Selectboards, and Town Clerks, Handbook for Vermont Municipal Clerks, and the Vermont Secretary of State's Office publishes The Vermont Justice of the Peace Guide. The SOS also provides extensive Election information and guidance, as well as two manuals, Handbook on Property Tax Appeals and About Abatement. The three areas of Elections, Tax Appeals and Abatements are where the duties of the three individual offices overlap as the Board of Civil Authority. These manuals (and more!) can all be downloaded from either the VLCT or SOS websites.

### 3. Calendar:

3a **Elections** – The BCA has several responsibilities regarding elections. Members play a role in voter checklist maintenance, are responsible to set the polling locations, may be called on by the Moderator at Town Meeting to count a vote or oversee a procedure, they work at the polls, count ballots, and deliver ballots. Here are some election schedules you may want to be aware of:

**Town Meeting** is the first Tuesday of March every year. Middlebury holds an evening meeting on the Monday night before and Australian Ballot voting on the Tuesday 7am to 7pm.

Every 4 years the **Presidential Primary** is also held on Town Meeting Day. The last Presidential Primary was held in March 2016 so the next one will be in 2020.

Even numbered years are considered election years with the midterm elections held every two years. A Vermont **State Primary** is held in August on the second Tuesday of the month. Middlebury Selectboard has typically had this date as a regularly scheduled meeting time and does not participate in counting votes at the polls.

The **General Election** is held the first Tuesday following the first Monday in November every even numbered year, which will be November 6, 2018. Every 4<sup>th</sup> year this includes the Presidential Election.

3b **Tax Appeals** – The BCA is responsible to hear appeals of those who are aggrieved of their taxes. This is a process initiated when the taxpayer disputes the assessed value of their property as set by the Listers. These quasi-judicial hearings have specific deadlines once the

process has started. Annually Middlebury Listers send out notices of any change in assessment after determining property value as of April 1<sup>st</sup>. This year the Listers will hear grievances starting June 7<sup>th</sup> and send out notices of decision on June 21<sup>st</sup>. This means that taxpayers will have until July 5<sup>th</sup> to file an appeal with the Town Clerk. If any appeals are filed the BCA must start hearings by July 19<sup>th</sup>. Best case scenario is when there are no tax appeals. The Town will probably start a town-wide reappraisal in July of this year. The largest number of tax appeals usually come the year that a reappraisal is completed.

3c **Board of Abatement** – The BCA is also responsible to hear requests for abatement of taxes. Unlike tax appeals there is no statutory time that a town must respond to a request or hold a hearing. Once a request has been received it can be several months before the case will be heard. These long waiting periods are due to the fact that requests may come in at any time during the year and the BOA is the largest board with which to reach a quorum. The BOA includes the entire BCA as well as the three Listers and the Treasurer. Relief from taxes, interest and penalties can only be granted for a few very specific statutory reasons. Middlebury frequently holds Abatement Hearings twice a year around May and October.

#### 4. **Voter Checklist Maintenance:**

Every odd number year is considered a nonelection year and the BCA is responsible to review the Voter Checklist and authorize the Town Clerk to challenge voters that the BCA believes have either removed from the town or the BCA is unable to confirm as residents of the town. The BCA must also authorize the Town Clerk to purge from the Voter Checklist all challenged voters who have not responded to a challenge notice that has been sent prior to the last two General Elections (held in November).

4a **Bi-annual BCA review of the Voter Checklist** – The process as outlined in the statutes is for the BCA to take the voter checklist and review name by name and decide who should be challenged. In order to make this review more efficient my office takes the checklist and removes the names of people who have voted in the last three years, people who own property as their homestead, students who are currently enrolled at Middlebury College, people who have recently registered to vote, and people who were challenged during the last bi-annual review and responded as residents. Included in your packet is a list of inactive voters whom the Town Clerk has not been able to remove from the list by any of the criteria listed above. **A motion would be in order** to authorize the Town Clerk to initiate the process of challenging the list of proposed voters and report the results of the bi-annual Voter Checklist maintenance to the Secretary of State by September 20, 2017.

4b Also included in your packet is a list of voters who were challenged prior to the General Election in November 2014 who have not responded to a challenge notice. **A motion would be in order** to authorize the Town Clerk to purge voters from the active Voter Checklist who were sent challenge notices prior to the 2014 General Election and have not responded.

#### 5. Elections Debrief / Allocate Polling Locations

Listed below are the elections held on a recurring schedule. Middlebury has just completed an election year using new or alternative facilities since our move from 94 Main Street in April of 2016. Middlebury BCA had previously allocated its polling location on a permanent basis and not been required to meet prior to each election to set the polling location. Now would be the time to assess how these elections went, what were some of the problems we ran into, and what were some of the benefits we recognized during each election. We may be able to come up with a plan to allocate our polling locations for the future on a permanent basis.

To start the conversation I would recommend **a motion to allocate 77 Main Street as the official polling location for Middlebury with the exception of Presidential Elections to be held at the Municipal Recreation Facility at 154 Creek Road.**

My reasoning here has to do with the fact that early voting always takes place at the Clerk's Office and will become known as the place to go for voting.

Most elections we can handle the number of people who come through to vote in person at 77 Main Street. We could probably handle the number of people who vote in person for the Presidential Election, but the public perception would be that the Main Street location is not large enough or that there is not enough parking.

The cost to conduct an election at 77 Main is more contained. We do not have the costs of transporting our equipment across town and we do not shut down use of the gym for a 5 day period.

At 77 Main we have use of our office and vault space which is handy for registering voters, making copies, balancing our totals at the end of the evening, reporting to the Secretary of State, and securing ballot bags after the election.

Below is a list of our most recent elections and their locations.

Town Meeting w/ Presidential Primary (March 2016 was held at 94 Main Street)

State Primary (August 2016 was held at 77 Main Street)

General Election/Presidential (November 2016 was held at 154 Creek Road Gymnasium)

Town Meeting Evening (March 2017 was held at MUHS)

TM Australian Ballot (March 2017 was held at 77 Main Street)

**Additionally**, I believe if we would like to allocate a location for the evening Town Meeting we may need more research and a contract with the preferred location.

6. Other Business

7. Adjourn