

Journal of the Joint Assembly

IN JOINT ASSEMBLY, FEBRUARY 19, 2009

10:30 A.M.

The Senate and House of Representatives met in the hall of the House of Representatives pursuant to a joint resolution which was read by the Clerk and is as follows:

By Senator Shumlin,

J.R.S. 11. Joint resolution providing for a Joint Assembly for the election of a Sergeant at Arms, an Adjutant and Inspector General, and three Trustees of the University of Vermont and State Agricultural College.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, February 19, 2009, at ten o'clock and thirty minutes in the forenoon to elect a Sergeant-at-Arms, an Adjutant and Inspector General, and three trustees of the University of Vermont and State Agricultural College. In case election of all such officers shall not be made on that day, the two Houses shall meet in Joint Assembly at ten o'clock and thirty minutes in the forenoon, on each succeeding day, Saturdays and Sundays excepted, and proceed in such election, until all such officers are elected.

Presiding Officer

Honorable Brian E. Dubie, President of the Senate, in the Chair.

Clerk

David A. Gibson, Secretary of the Senate, Clerk.

Statement by Presiding Officer

“Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly for the election of an Adjutant and Inspector General, a Sergeant at Arms and three Trustees for the University of Vermont.

“With respect to the election of all of these officers, if a contest exists, then the voting must be done by written ballot. This mandate is set forth in

2 V.S.A. §12 and in Joint Rule 10(a). The only offices being contested today are the three trustees for the University of Vermont.

“The following rules shall apply to the conduct of these elections:

First: All nominations for these offices will be received by the Chair prior to voting, presented in alphabetical order.

Second: There will be only one nominating speech of not more than three minutes and not more than two seconding speeches of not more than one minute each for each nominee.

“We have three sets of elections today:

- a. First, To elect a Sergeant at Arms.
- b. Second, To elect an Adjutant and Inspector General.
- c. Third, To elect three UVM Trustees.

“For the first two elections, that for the Sergeant at Arms and for the Adjutant and Inspector General, since there are no contests the provisions of Joint Rule 10(a) will apply.

“This means that election to these two positions may be by voice vote if there is no objection.

“For the third set of elections --- for the three UVM Trustees -- the provisions of Joint Rule 10 have been suspended as a result of the adoption by both houses of J.R.S. 12. Different rules will apply to that election, and majority votes for the three trustees will not be necessary.

Tellers Appointed

“As stated before, one of our elections today is contested and must be decided by written ballot.

“Accordingly, we will need tellers, and the Chair now appoints as tellers:

Senator Jeanette K. White, of Caledonia District, as Chief Teller
Senator Timothy R. Ashe, of Chittenden District
Senator Randolph D. Brock, of Franklin District
Representative Mollie S. Burke, of Brattleboro
Representative Diane Lanpher, of Vergennes
Representative Ira Trombley, of Grand Isle
Representative Donald H. Turner, Jr., of Milton”

Election of Sergeant at Arms

The Joint Assembly then proceeded to the election of a Sergeant at Arms.

For the office of Sergeant at Arms, Representative Carolyn W. Partridge of Windham nominated *Francis K. Brooks*, of Montpelier.

The nomination was seconded by Senator Kevin J. Mullin of Rutland District.

There being no other nominations, the Chair declared that nominations were closed.

Whereupon, no other nominations being made, the vote was taken *viva voce* pursuant to Joint Rule 10(a), and the Chair declared that

FRANCIS K. BROOKS, of Montpelier

was unanimously elected to the office of Sergeant at Arms for a term of two years, from and including the first day of March, 2009, and until his successor is elected and has qualified.

Election of Adjutant and Inspector General

The Joint Assembly then proceeded to the election of an Adjutant and Inspector General.

For the office of Adjutant and Inspector General, Representative Martha P. Heath of Westford nominated *Michael D. Dubie*, of Essex Junction.

The nomination was seconded by Representative Joseph L. Krawczyk, Jr. of Bennington.

There being no other nominations, the Chair declared that nominations were closed.

Whereupon, no other nominations being made, the vote was taken *viva voce* pursuant to Joint Rule 10(a), and the Chair declared that

MICHAEL D. DUBIE, of Essex Junction

was unanimously elected to the office of Adjutant and Inspector General for a term of two years, from and including the first day of March, 2009, and until his successor is elected and has qualified.

Election of UVM Trustees

The Joint Assembly then proceeded to the election of three Trustees of the University of Vermont and State Agricultural College, each for a term of six years, from and including the first day of March, 2009.

The Chair reminded the Joint Assembly that nominations for the office of three UVM Trustees would be received in alphabetical order, with one nominating speech of not more than three minutes and not more than two seconding speeches of not more than one minute for each nominee.

Statement by the Presiding Officer

“As stated previously, for the election of UVM trustees, we will be operating under a different set of rules. This is because both houses adopted J.R.S. 12, which suspended the provisions of Joint Rule 10 for this particular election.

“By adopting this joint resolution (J.R.S. 12), we have set up a special voting procedure for this election, which will help expedite the process.

“The adoption of J.R.S. 12 permits the Joint Assembly to determine the winners of this election of the three Trustees of the University of Vermont and State Agriculture College by means of a plurality vote. This means that three candidates can be elected on the same ballot.”

Nominations for UVM Trustees

Senator Kevin J. Mullin of Rutland District nominated *Representative Janet Ancel* of Calais. The nomination was seconded by Representative Donna G. Sweaney of Windsor and Representative Steven B. Maier of Middlebury.

Representative Alison H. Clarkson of Woodstock then nominated *Representative Carolyn W. Branagan* of Georgia. The nomination was seconded by Representative James W. Masland of Thetford.

Senator William T. Doyle of Washington District then nominated *Representative Christopher A. Bray* of New Haven. The nomination was seconded by Representative Steven C. Adams of Hartland and Representative Carolyn W. Partridge of Windham.

Representative Johannah L. Donovan of Burlington then nominated *Representative David E. Potter* of Clarendon. The nomination was seconded by Representative Richard A. Westman of Cambridge and Senator William H. Carris of Rutland District.

Summary of Names Placed in Nomination

The four members placed in nomination and on the ballot for the office of Trustee of the University of Vermont and State Agricultural College are as follows:

Janet Ancel, of Calais
Carolyn W. Branagan, of Georgia
Christopher A. Bray, of New Haven
David E. Potter, of Clarendon

Review of Voting Procedure

Prior to the taking of any ballots, the Chair reviewed the “plurality” procedure for choosing candidates, by quoting verbatim from the text of J.R.S. 12, as follows:

“(1) All candidates for the office of trustee shall be voted upon and decided on the same ballot; members may vote for any number of candidates up to and including the maximum number of vacancies to be filled, which in this case shall be three.

“(2) The three candidates receiving the greatest number of votes shall be declared elected to fill the three vacancies.

“(3) In the event that the first balloting for the trustee vacancies results in a tie vote for one or more of the three vacant positions, then voting shall continue on successive ballots until the vacancies have been filled, again by election declared of those candidates receiving the greatest number of votes.”

Balloting for UVM Trustees

The tellers distributed, collected and counted the ballots cast. Due to the closeness of the results, the ballots were recounted. As a result of the recount it was determined that a further recount was necessary.

Recess

On motion of Senator Shumlin, the Joint Assembly recessed until nine o’clock in the morning.

DAVID A. GIBSON
Secretary of the Senate
Clerk of the Joint Assembly