

# Journal of the Joint Assembly

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IN JOINT ASSEMBLY, FEBRUARY 21, 2013

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:

**J.R.S. 10.** 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 21, 2013, 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 Philip B. Scott, President of the Senate, in the Chair.

## **Clerk**

John H. Bloomer, Jr., 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 chair now calls to the attention of the Joint Assembly the text of Joint Rules 10 which applies to elections held by the Assembly:

(a) Whenever a joint assembly is required to elect one or more persons to any office, the voting shall be by ballot, except that if there is only one candidate for any office, and if there is no objection, the chair may put the question to the joint assembly by voice vote.

(b) If two or more offices are to be filled, each office will be voted upon and decided separately. If two or more vacancies for the same office are to be filled, nominations for all vacancies will be received before voting begins for the first vacancy, but each vacancy will be voted upon and decided separately. The joint assembly may limit the number and length of nominating and seconding speeches for each candidate.

(c) Election to any office is by a majority of the votes cast, exclusive of spoiled and blank ballots. After two votes have been taken for any vacancy without an election, all nominees except the two having the highest number of votes on the second ballot shall be withdrawn, and voting shall then continue until a candidate is elected. In no event shall the involuntary removal of nominees result in fewer than two nominees remaining in the contest.

(d) The person who first nominated a candidate may withdraw that candidate's name at any time; a withdrawal may be complete or may be limited to one or more vacancies. A candidate for any office having more than one vacancy who is defeated for the first vacancy shall automatically be a candidate for successive vacancies, unless the nomination is voluntarily withdrawn.

It should be noted that Joint Rule 10 states that the Joint Assembly may limit the number and length of nominating and seconding speeches for each candidate.

#### **Number and Length of Nominating and Seconding Speeches**

On motion of Senator Campbell, pursuant to Joint Rule 10(b), the election of a Sergeant at Arms, Adjutant and Inspector General and the three UVM trustees were governed by the following procedure:

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

And 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.

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**Statement of Presiding Officer**

We have three sets of elections today:

First, To elect a Sergeant at Arms.

Second, To elect an Adjutant and Inspector General.

Third, To elect three UVM Trustees.

The election for Sergeant at Arms is not contested and the provisions of Joint Rule 10(a) will apply.

This means this election may be by voice vote if there is no objection.

For the election of the Adjutant and Inspector General and the three UVM Trustees, as these elections are contested, they shall be by ballot.

**Tellers Appointed**

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

Senator Mark A. MacDonald, of Orange District, as Chief Teller  
Senator Joseph C. Benning, of Caledonia District  
Senator Alice W. Nitka, of Windsor District  
Representative Eileen Dickinson, of St. Albans Town  
Representative Cindy Weed, of Enosburg Falls  
Representative Anne L. Gallivan, of Chittenden  
Representative William C. Stevens, of Shoreham

**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, Senator M. Jane Kitchel of Caledonia District nominated *Francis K. Brooks*, of Montpelier.

The nomination was seconded by Representative Andrew Donaghy of Poultney.

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, 2013, and until his successor is elected and has qualified.

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### **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, Senator Diane B. Snelling of Chittenden District nominated *Michael J. Bullock*, of Hinesburg.

For the office of Adjutant and Inspector General, Representative Martha P. Heath of Westford nominated *Steven Cray*, of Essex Junction.

The nomination was seconded by Representative Timothy Jerman of Essex Junction.

For the office of Adjutant and Inspector General, Representative Mark Woodward of Johnson nominated *Darryl J. Ducharme*, of Williston.

The nomination was seconded by Representative Mark Higley of Lowell.

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

### **Statement of Presiding Officer**

Our Joint Rules permit nominations before the Joint Assembly.

Vermont statutes require the official ballot be that provided by the Secretary of State. By statute the requirement for inclusions on the ballot is timely notification to the secretary of state.

The statutory authority determines the ballot for this election. As such the official ballots have been printed by the Secretary of State and contain the names of Michael J. Bullock, Steven Cray, Darryl J. Ducharme and James Marc Leas.

### **Results of Balloting for Adjutant General**

The ballots were taken and counted and the result was as follows:

Total votes cast .....	173
Necessary for a choice .....	87
Bullock .....	9
Cray .....	125
Ducharme .....	34
Leas .....	4
Write in votes .....	1

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Whereupon, the Chair declared that

**STEVEN CRAY, of Essex Junction**

having received a majority of the total votes cast was duly elected to the office of Adjutant and Inspector General for a term of two years, from and including the first day of March, 2013, 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, 2013.

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 temporary rules set forth in J.R.S. 11.

The adoption of J.R.S. 11 permits the Joint Assembly to elect the three Trustees of the University of Vermont and State Agriculture College by means of a plurality vote.

A plurality voting procedure simply means that the three candidates receiving the greater number of the total votes cast are elected. You will be instructed to vote for not more than three candidates at the same time, on the same ballot.

**Nominations for UVM Trustees**

Representative Johannah Leddy Donovan of Burlington nominated *Representative Sarah E. Buxton* of Tunbridge. The nomination was seconded by Senator Kevin J. Mullin of Rutland District.

Representative Martha P. Heath of Westford then nominated *Representative Anne T. O'Brien* of Richmond. The nomination was seconded by Senator Philip E. Baruth of Chittenden District. The nomination was seconded by Representative Philip C. Winters of Williamstown.

Senator Jeanette K. White then nominated *Patricia Moulton Powden* of South Londonderry. The nomination was seconded by Representative Donna Sweaney of Windsor.

Representative Bill Botzow of Pownal then nominated *Representative Jeffrey D. Wilson* of Manchester. The nomination was seconded by Representative Patti Komline of Dorset.

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

### 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:

Sarah E. Buxton, of Tunbridge  
 Anne T. O'Brien, of Richmond  
 Patricia Moulton Powden, of South Londonderry  
 Jeffrey D. Wilson, of Manchester

### 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. 11, 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.

### Results of Balloting for UVM Trustees

The ballots were taken and counted, and the result was as follows:

Total ballots.....	176
Necessary for election .....	<b>three greatest numbers of votes</b>
Buxton.....	115*
O'Brien .....	103*
Powden .....	97
Wilson.....	112*
Write-in votes	2

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Whereupon the Chair declared that

**SARAH T. BUXTON, of Tunbridge**

having received the most votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

The Chair further declared that

**JEFFREY D. WILSON, of Manchester**

having received the second most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

The Chair further declared that

**ANNE T. O'BRIEN, of Richmond**

having received the third most number of votes cast was duly elected a Trustee of the University of Vermont and State Agricultural College for a term of six years, commencing March 1, 2013.

**Dissolution**

The purposes for which the Joint Assembly was convened having been accomplished, the Chair then declared the Joint Assembly dissolved.

JOHN H. BLOOMER, JR.  
Secretary of the Senate  
Clerk of the Joint Assembly