

Journal of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 19, 2015

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. 18. Joint resolution providing for a Joint Assembly to vote on the retention of four Superior Judges and two magistrates.

Resolved by the Senate and House of Representatives:

That the two Houses meet in Joint Assembly on Thursday, March 19, 2015, at ten o'clock and thirty minutes in the forenoon to vote on the retention of four Superior Judges and two magistrates. In case the vote to retain said Judges 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 until the above is completed.

Presiding Officer

Senator John F. Campbell, President *pro tempore* of the Senate, in the Chair.

Clerk

John H. Bloomer, Jr., Secretary of the Senate, Clerk.

Statement of Presiding Officer

Pursuant to our Constitution and statutes we are assembled here today in Joint Assembly to cast our votes on the retention of four Superior Judges, and two Magistrate.

This year we are again operating under the Judicial Retention Act passed in 1976, as amended in subsequent sessions of the General Assembly, which establishes the procedure for retention of incumbent Superior Judges and Magistrates. Amendments made in 2010 require the retention of magistrates. The date for holding joint assemblies for retention is set by statute to be the

eleventh Thursday of the session, which date may be deferred pursuant to 4 V.S.A. § 608(g).

The procedure to be followed requires the vote be by written ballot. There will be two separate written ballots: one containing the names of all of the candidates for retention as superior judges; and one containing the names of the candidates for retention as magistrates.

Retention of Superior Judges

We shall now proceed to the matter of retention of the incumbent Superior Judges. Under the Judicial Retention Act which establishes the procedure for the retention of Superior Judges, nominations may not be received from the floor; rather, each judge seeking retention must file a declaration of intention to seek retention with the Secretary of State or if a Superior Judge is appointed after September 1 of the year preceding the expiration of the term of office shall automatically be a candidate for retention without filing notice. The name of each judge seeking retention is automatically placed in nomination and considered for retention pursuant to the terms of the Judicial Retention Act.

In addition, the Judicial Retention Act provides that when a candidate does so declare for retention, the question to be decided is:

"Shall the following Superior Judges be retained in office?"

The statute provides the vote on the question shall be by one written ballot containing the names of all of the Superior Judges.

Tellers Appointed

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

Senator Jeanette K. White, of Windham District, as Chief Teller
Senator Mark A. MacDonald, of Orange District
Senator Brian P. Collamore, of Rutland District
Representative Robert L. Bancroft, of Westford
Representative Alyson L. Eastman, of Orwell
Representative Diana Gonzalez, of Winooski
Representative Chip Troiano, of Stannard

We shall now proceed to the matter of retention of the incumbent Superior Judges. For these positions we have received declarations of intention to seek retention to the office of Superior Judge from the following:

Brian J. Grearson
Mary M. Teachout
Howard E. VanBenthuisen
Nancy Waples

The question to be decided in each of these cases shall be as follows:

"Shall Superior Judge Brian J. Grearson be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Mary M. Teachout be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Howard E. VanBenthuisen be retained in office?"

Yes _____ No _____.

"Shall Superior Judge Nancy Waples be retained in office?"

Yes _____ No _____.

The ballot which you will receive will contain these questions in printed form on one single ballot. The term of these Superior Judges are for six years, from and including the first day of April, 2015, and until their successors are elected and qualified.

To facilitate the procedure for this morning, the Chair will rule, unless there is objection, that debate on these four Judges will be received separately. At the end of the debates for the four Judges, any general debate on the entire question shall be in order.

Committee Reports

First, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the Senator from Windsor, Alice W. Nitka, for the purpose of receiving her report.

Senator Alice W. Nitka, then delivered a general report for the Joint Committee on Judicial Retention with respect to the candidacy of all the Judges.

The Chair then recognized the member from Newport, Gary Viens, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Brian J. Grearson.

The Chair then recognized Senator Margaret K. Flory, of Rutland District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Mary M. Teachout.

The Chair then recognized Senator Joseph C. Benning, of Caledonia District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Howard E. VanBenthuisen.

The Chair then recognized Senator Michael D. Sirotkin, of Chittenden District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge Nancy Waples.

Results of Balloting

Balloting then proceeded for the office of Superior Judges, with the following results:

For Superior Judge Brian J. Grearson

Total votes cast	157
Necessary for a majority	79
For retention	154
Against retention	3

Whereupon the Chair declared that

BRIAN J. GREARSON, of Berlin

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2015, and until his successor is elected and has qualified.

For Superior Judge Mary M. Teachout

Total votes cast	156
Necessary for a majority	79
For retention	148
Against retention	8

Whereupon the Chair declared that

MARY M. TEACHOUT, of Norwich

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2015, and until her successor is elected and has qualified.

For Superior Judge Howard E. VanBenthuyzen

Total votes cast	164
Necessary for a majority	83
For retention	160
Against retention	4

Whereupon the Chair declared that

HOWARD E. VANBENTHUYSEN, of Fairfax

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2015, and until his successor is elected and has qualified.

For Superior Judge Nancy Waples

Total votes cast	157
Necessary for a majority	79
For retention	152
Against retention	5

Whereupon the Chair declared that

NANCY WAPLES, of Hinesburg

having received a majority of the total votes cast was duly elected to the office of Superior Judge for a term of six years, from and including the first day of April, 2015, and until her successor is elected and has qualified.

Retention of Magistrate

Statement of Presiding Officer

We shall now proceed to the matter of retention of the two Magistrates. For this position we have received a declaration of intention to seek retention to the office of Magistrate from the following:

Mary G. Harlow
Christine A. (Donremus) Hoyt

The name of each magistrate seeking retention is automatically voted on, and the question to be decided is:

"Shall District Magistrate Mary G. Harlow be retained in office?"

Yes _____ No _____.

"Shall District Magistrate Christine A. (Donremus) Hoyt be retained in office?"

Yes _____ No _____.

The vote on this question shall again be by one single written ballot. The term of this Magistrate is for six years, from and including the first day of April, 2015, and until their successors are elected and qualified.

Committee Report

The Chair then recognized, Representative Chip Conquest of Newbury, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Mary G. Harlow.

The Chair then recognized, Representative Barbara Rachelson of Burlington, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Magistrate Christine A. (Donremus) Hoyt.

Results of Balloting

Balloting then proceeded for the office of Magistrate, with the following results:

For Magistrate Mary G. Harlow

Total votes cast	141
Necessary for a majority	71
For retention	140
Against retention	1

Whereupon the Chair declared that

MARY G. HARLOW, of Clarendon

having received a majority of the total votes cast was duly elected to the office of Magistrate for a term of six years, from and including the first day of April, 2015, and until her successor is elected and has qualified.

For Magistrate Christine A. (Donremus) Hoyt

Total votes cast	142
Necessary for a majority	72
For retention	141
Against retention	1

Whereupon the Chair declared that

CHRISTINE A. (DONREMUS) HOYT, of Tunbridge

having received a majority of the total votes cast was duly elected to the office of Magistrate for a term of six years, from and including the first day of April, 2015, and until her successor is elected and has qualified.

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