

VERMONT **GENERAL ASSEMBLY**

The Vermont Statutes Online

Title 17 : Elections

Chapter 041 : Purposes, Short Title, Definitions

§ 2103. Definitions

As used in this title, unless the context or a specific definition requires a different reading:

(1) "Early or absentee voter" means any voter of the State who has requested an early voter absentee ballot as provided in subchapter 6 of chapter 51 of this title.

(2) "Accept" means to solicit, receive, or agree to receive.

(3) "Anything of value" means, without limitation, tangible or intangible property, money, commercial interests, or governmental employment. A promise to pay or deliver such property is a thing of value even if the promise is unenforceable or impossible to perform.

(4) "Australian ballot system" means the technique of having the polls open for voting on specified and warned matters during a warned, extended period which may be during or after a municipal meeting, or both. An "Australian ballot" means a uniformly printed ballot, typically confined to the secret vote election of specified offices as previously warned to be voted upon by the Australian ballot system. The term "Australian ballot" includes any ballots counted by a vote tabulator approved for use in any election conducted in the State.

(5) "Board of civil authority" means, unless otherwise provided by municipal charter, in the case of a town, the selectboard and town clerk and the justices residing therein; in the case of a city, the mayor, aldermen, city clerk, and justices residing therein; in the case of a village, the trustees, village clerk, and the justices residing therein; and, in any case, such suitable member or members of unrepresented or insufficiently represented political parties as may be appointed members of the board of civil authority under the provisions of section 2143 of this title. Except as otherwise provided in this title, those members of the board of civil authority present and voting shall constitute a quorum, provided that official action may not be taken without the concurrence of at least three members of the board.

(6) "Campaign" means any organized or coordinated activity undertaken by two or more persons, any part of which is designed to influence the nomination, election, or defeat of any candidate or the passage, defeat, or modification of any public question.

(7) "Candidate" means an individual who has taken any affirmative action to become a candidate for public office. A person takes affirmative action by:

(A) accepting a contribution or making an expenditure directly or indirectly;

(B) filing the requisite petition for one of the named positions or being nominated by primary or otherwise; or

(C) publicly announcing that he or she seeks such a position.

(8) Repealed.]

(9) "Contribution" means a payment, distribution, advance, deposit, loan, or gift of anything of value, paid or promised to be paid (whether or not the promise is legally enforceable) to a person or political committee for the purpose of supporting or opposing one or more campaigns, but shall not include services provided without compensation by individuals volunteering their time on behalf of a candidate or political committee, nor bona fide commercial loans. "Contribution" includes any transfer between committees or candidates. A contribution is deemed to be made on the date when any promise or pledge is made or when liability for anything of value is assumed.

(10) "County officer" means judge of Probate, assistant judge of the Superior Court, State's Attorney, sheriff, high bailiff, and justice of the peace.

(11) "Election" means the procedure whereby the voters of this State, or any of its political subdivisions, select persons to fill public offices or act on public questions.

(12) "Expenditure" means a payment, disbursement, distribution, advance, deposit, loan, or gift of anything of value, paid or promised to be paid (whether or not the promise is legally enforceable) for the purpose of supporting or opposing any campaign.

(13) "File" or "filed" means deposited in the regularly maintained office of the official with whom the filing is to be made. A document is not "filed" until received at the official's office. If the last day for filing petitions, consent forms, or other documents or reports falls on a Saturday, Sunday, or legal holiday, then the deadline shall be extended to 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday.

(14) "Voter's oath" means the oath prescribed in chapter II, section 42 of the Constitution of Vermont.

(15) "General election" means the election held on the first Tuesday after the first Monday in November, in even-numbered years.

(16) "Give" means to offer, present, confer, pay, or deliver; also to agree or promise to do any of the foregoing. But it shall not include a promise openly made in the course of a campaign to support or oppose some named governmental action.

(17) "Legislative body" means the selectboard in the case of a town, the city council, mayor, and alderboard in the case of a city, the trustees or bailiffs in the case of a village, the school board in the case of a school district, and the prudential committee in the case of a fire district.

(18) "Local election" means any election which deals with the selection of persons to fill public office or the settling of public questions solely within a single municipality. "Local election" also means an election to settle a public question in several municipalities, in which the municipalities must unanimously concur if the question is to be approved. The election of a representative to the General Assembly is not a "local election."

(19) "Military service" means active service by any person, as a member of any branch or department of the U.S. Army, Navy, Air Force, Coast Guard, or Marine Corps or as a reservist absent from his or her place of residence and undergoing training under Army, Navy, Air Force, Coast Guard, or Marine Corps direction, at a place other than the person's residence.

(20) "Military service early or absentee voter" means a person who is unable to attend at his or her regular polling place and who comes within one of the following categories:

(A) Persons in the military service and their spouses and dependents;

(B) A patient in a veterans' hospital located in any place other than his or her place of residence; or

(C) Civilians attached to or serving with the U.S. Armed Forces outside this State and their spouses and dependents when residing with or accompanying them.

(21) "Person" means any individual, business entity, labor organization, public interest group, or other organization, incorporated or unincorporated.

(22) Repealed.]

(23) "Political party" is any group of individuals which has organized and filed its certificate of organization with the Secretary of State, pursuant to chapter 45 of this title. A "major political party" is a political party whose candidate for any State office in the most recent general election polled at least five percent of the vote cast for that office. A "minor political party" is any political party which is not a major political party.

(24) "Political subdivision" means any county, municipality (including cities, towns, and villages), representative district, senatorial district, school district, fire district, water, sewer, or utility district, ward, and any consolidation of the foregoing entities authorized under the laws of this State.

(25) "Primary" means any election which precedes a general or special election, for the purpose of permitting political parties to nominate, from among all of the candidates for any office, only that number of candidates equal to the number of persons to be elected to that office at the succeeding general or special election.

(26) "Public office" means any office in the U.S. government or any office in the government of this State or any of its political subdivisions which is filled by vote of the voters of the State or subdivision.

(27) "Public question" means any question, issue, proposition, or referendum (whether binding or advisory) submitted or required by law to be submitted to the voters of the State or any political subdivision of the State, for a decision.

(28) "Public servant" means the holder of any public office, as well as any employee of the State not in the classified service.

(29) "Representative district clerk" means, in each representative district, the clerk of that town or part of a town having the largest population in the district. However, when part of one town is joined with all of another town to form a representative district, the clerk of the latter town shall be representative district clerk.

(30) "Resident" means a natural person who is domiciled in this State as evidenced by an intent to maintain a principal dwelling place in the State indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. A married person may have a domicile independent of the domicile of his or her spouse.

(31) "Senatorial district clerk" means the county clerk for those towns within a senatorial district aggregating the largest population.

(32) "Special election" means an election which is not provided for by law to be held at stated intervals.

(33) "State office" means the office of Governor, Lieutenant Governor, State Treasurer, Secretary of State, Auditor of Accounts, and Attorney General. "State officer" is the holder of a State office.

(34) "Town" includes "city."

(35) "Town clerk" means a town officer elected pursuant to section 2646 of this title or otherwise elected or appointed by law and performing those duties prescribed by 24 V.S.A. chapter 35.

(36) "Voter" means an individual who is qualified to vote in an election in this State or a political subdivision of this State, and whose name is registered on the checklist of a political subdivision of the State.

(37) "Year" means a calendar year.

(38) "State institution" means the Vermont State Hospital, correctional facilities, and other similar public institutions, established or funded, or both, by public funds within the State of Vermont, not including educational institutions.

(39) "Motor vehicle driver's license" means any personal identification document issued by the Department of Motor Vehicles under Title 23.

(40) "Secretary" means the Secretary of State. The Secretary of State shall be the chief State election official for purposes of the National Voter Registration Act of 1993.

(41) "Voter registration agency" or "agency" means all State offices that provide public assistance, all State offices that provide State-funded programs primarily engaged in providing services to persons with disabilities, any federal and nongovernmental offices that have agreed to be designated by the Secretary as a voter registration agency, and any State or local agency designated by the Secretary as a voter registration agency. State and local agencies designated by the Secretary may include the Departments of Taxes and of Labor and offices that provide services to persons with disabilities other than those that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(42) "Voter registration application forms," "application forms," or "forms" mean the voter registration application forms or the voter registration application portion of a motor vehicle driver's license application approved by the Secretary of State under sections 2145 and 2145a of this title.

(43) "Vote tabulator" means a machine that registers and counts paper ballots and includes optical scan tabulators. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 198 (Adj. Sess.), § 2; 1979, No. 200 (Adj. Sess.), §§ 2-6; 1981, No. 30, § 8, eff. April 16, 1981, and shall apply to the 1981-82 reapportionment; 1985, No. 196 (Adj. Sess.), § 2; 1985, No. 198 (Adj. Sess.), §§ 4, 5; 1997, No. 47, §§ 1, 11; 2001, No. 5, § 1; 2001, No. 6, §§ 1, 12 (b), eff. April 10, 2001; 2009, No. 40, § 5; 2013, No. 161 (Adj. Sess.), §§ 2, 72.)