

An act relating to executive branch fees

Was taken up and pending second reading of the bill, on motion of **Rep. Ancel of Calais**, action on the bill was postponed until Tuesday, February 8, 2011.

#### **Action on Bill Postponed**

#### **H. 46**

House bill, entitled

An act relating to youth athletes with concussions participating in athletic activities

Was taken up and pending the reading of the report of the committee on Education, on motion of **Rep. Gilbert of Fairfax**, action on the bill was postponed until Wednesday, February 9, 2011.

#### **Special Report of the Committee on Government Operations Agreed To**

Special Committee Report on the request of David Ainsworth

for the House to judge the election and qualifications

of its member in House District Windsor-Orange-1

Representative Sweaney of Windsor, for the Committee on Government Operations, to which has been referred the request of David Ainsworth for the House to judge the election and qualifications of its member in House District Windsor-Orange-1 submits the following report:

The Committee on Government Operations considered the request of David Ainsworth for the House to judge the election and qualifications of its member in House District Windsor-Orange-1 and finds that Representative Sarah E. Buxton was duly elected and is qualified to represent House District Windsor-Orange-1 as a member of the House of Representatives.

Thereupon, **Rep. Sweaney of Windsor** moved to accept the report, which was agreed to.

#### **Remarks Journalized**

On motion of **Rep. Turner of Milton**, the following remarks by **Rep. Sweaney of Windsor** were ordered printed in the Journal:

“Mr. Speaker,

Your HGO committee has reached the conclusion as stated in today's calendar that Ms. Sara Buxton from Windsor-Orange 1 was dully elected and is qualified to represent the Windsor-Orange-1 district.

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The issue before us came about as a result of the election of the office for representative in the Windsor-Orange-1 district.

The process began with the election night vote count of a win by one vote for Sara Buxton, next to be followed by a recount in Windsor district court that confirmed the one vote win.

That result was then challenged as to the validity of one of the ballots. The concern came before a judge who confirmed the validity of the ballot and the election of Ms. Buxton.

The issue then went to the Attorney General for review.

The petition from Mr. David Ainsworth questioning the validity of the elections and the response of the assistant attorney general can be found in the House Journal of Friday, January 14, 2011. The assistant attorney general's report finds that the election process was valid and confirms the election of Ms. Buxton.

The process then came to the House of Representatives since the constitution states that this body has the duty to deliberate the qualifications of its members when the question of the election is challenged.

The deliberations of the HGO committee included testimony from the assistant attorney general, the state archivist, the Director of Elections, and legislative council for the committee, the town clerks for Tunbridge and Royalton as well as the Windsor County Deputy Clerk who conducted the recount.

The committee during our deliberations found that there is no stated clear process for the House to follow in determining the qualifications of a candidate to serve when the election has been contested. Our options appear to be limited to recommendations of agreement or disagreement regarding the elections. We have discussed possible recommendations to be made to the House to consider for future like matters.

The HGO also concluded that there are possible efficiency recommendations for voting and recounts such as a standardized paper weight for both machine and hand counts thus making possible that the first recount be conducted with machines since they have proven to be more accurate than hand counting. You will hear more about this in the near future since we will be working on legislation to bring forward to the body as a whole.

Our vote was 8-3 and we hope the body will concur with our findings that Sara Buxton is qualified to serve as Representative to the Windsor-Orange-1 district. I therefore make the motion to the House that we concur with the finding of the HGO.”