

# Journal of the Joint Assembly

IN JOINT ASSEMBLY, MARCH 15, 2018

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. 50.** Joint resolution providing for a Joint Assembly to vote on the retention of one Superior Judge and one Magistrate.

***Resolved by the Senate and House of Representatives:***

That the two Houses meet in Joint Assembly on Thursday, March 15, 2018, at ten o'clock and thirty minutes in the forenoon to vote on the retention of one Superior Judge and one Magistrate. In case the vote to retain said Judge and Magistrate 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**

Honorable Timothy R. Ashe, 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 one Superior Judge, and one 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 requires the retention of magistrates. The date for holding joint assemblies for the retention of judges 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 name of the candidate for retention as magistrate.

### **Retention of Superior Judge**

We shall now proceed to the matter of retention of the incumbent Superior Judge. 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 voted on 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 Judge be retained in office?"

### **Tellers Appointed**

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

Senator Claire D. Ayer, of Addison District, as Chief Teller  
 Senator Christopher A Pearson, of Chittenden District  
 Senator Brian P. Collamore, of Rutland District  
 Representative Sandy Hass, of Rochester  
 Representative Robert B. LaClair, of Barre Town  
 Representative Mary E. Howard, of Rutland City  
 Representative Benjamin Jickling, of Randolph

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

John R. Treadwell

The question to be decided in this case shall be as follows:

"Shall Superior Judge John R. Treadwell be retained in office?"

Yes \_\_\_\_\_ No \_\_\_\_\_.

The ballot which you will receive will contain this question in printed form on one single ballot. The term of this Superior Judge is for six years, from and including the first day of April, 2018, and until his successor is elected and qualified.

To facilitate the procedure for this morning, the Chair will rule, unless there is objection, at the end of the debate for this Judge, any general debate on the entire question shall be in order.

**Committee Report**

Prior to any debate, we will receive the report of the Joint Committee on Judicial Retention. The Chair now recognizes the Chair of this Committee, the Member from Newbury, Chip Conquest, for the purpose of receiving his report.

Representative Chip Conquest, then delivered a general report for the Joint Committee on Judicial Retention.

The Chair then recognized Senator Alice W. Nitka, of Windsor District, who delivered the report of the Joint Committee on Judicial Retention with respect to the candidacy of Superior Judge John R. Treadwell.

**Results of Balloting**

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

*For Superior Judge John R. Treadwell*

Total votes cast .....	144
Necessary for a majority .....	73
For retention .....	143
Against retention .....	1

Whereupon the Chair declared that

**JOHN R. TREADWELL, of Burlington**

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, 2018, and until his successor is elected and has qualified.

**Retention of Magistrate**

**Statement of Presiding Officer**

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

Barry D. Peterson

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

"Shall Magistrate Barry D. Peterson 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, 2018, and until his successor is 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 Barry E. Peterson.

### **Results of Balloting**

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

*For Magistrate Barry D. Peterson*

Total votes cast .....	145
Necessary for a majority .....	73
For retention .....	145
Against retention .....	0

Whereupon the Chair declared that

**BARRY D. PETERSON, of East Fairfield**

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, 2018, and until his 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