



Official Use Only:
Date Received:

VERMONT STATE ETHICS COMMISSION COMPLAINT FORM

The Vermont State Ethics Commission has authority to accept, review, refer, and track complaints regarding alleged violations of governmental conduct regulated by law, the Department of Human Resources Code of Ethics, and the State's campaign finance law set forth in 17 V.S.A. Ch. 61. 3 V.S.A. § 1221(a).

Anonymous complaints cannot be accepted. 3 V.S.A. § 1223(a)(2).

Your Contact Information

Type or print clearly

Your name: Theresa A. Burke, County Chair
Rutland County Republican Committee

Address: 52 Park Street

City/Town Brandon

State: VT Zip: 05733 Email: rutlandgop@gmail.com

Telephone(s): (802) 468-2615 (Home)

Please file a separate complaint for each individual you complain against. Attach additional pages as necessary.

1. Who is this complaint against? Name, job title or position.

Vermont State Representative Robin Chesnut-Tangerman, Rutland-Bennington District

2. Date(s) the alleged violation(s):

August 17, 2020

3. How has this person violated governmental conduct governed by law, ethics provisions, or campaign laws? Describe fully. Be specific and provide as much detail as possible. Attach any documentation that supports your claim.

On August 17, 2020, Representative Robin Chesnut-Tangerman, Rutland-Bennington District, requested that an unwarned meeting of the Middletown Springs Board of Civil Authority be called for the purpose of opening the voted

ballots in the August 11, 2020 Primary Election. Specifically, both the voted and unvoted ballot bags were opened to reveal one write-in vote for David Zuckerman for Governor on a Progressive Ballot; this was apparently part of an effort to prevent a requested recount by Progressive Candidate for Governor, Cris Ericson. See Exhibit A – “Vermont Election Laws, Section 2590, Conduct of Elections, Exhibit B - “Special Unwarned BCA Meeting August 17, 2020”, Middletown Springs

During this meeting, Representative Chesnut-Tangerman, was in attendance and was a candidate for State Representative for Bennington-Rutland District on the Democratic ballot for the August 11 Primary Election. Representative Chesnut-Tangerman is the Leader of the Progressive Party in the House of Representatives. Because Representative Chesnut-Tangerman was a candidate in the election, he could not by VT Election Law be on the premises of any polling place where he was a candidate when ballots were being handled. See Attachment C-1, Front Porch Forum Post, in which Representative Chesnut-Tangerman publicly described the incident and his participation in the event. Also refer to Attachment C-2, Front Porch Forum Post, “What Does Integrity Mean to You?” written by Ryan Decelle, former Assistant Town Clerk of Wells, VT, Second Paragraph.

By Vermont Law, opening a ballot bag can only be ordered by the Secretary of State and any examination of the documents, recounting of ballots or changing any of the numbers can only be performed under the direction of the Secretary of State. As a State Representative, Robin Chesnut-Tangerman is responsible for knowing the laws and abiding by them. Reference Attachment C-2. Pages 3-5.

As seen by Front Porch Forum posts, the local public is aware of the violation of election protocol and laws. Voters rights and selective enforcement of the election law is being discussed and justifiably questioned.

4. If you can, please indicate which law, rule or other legal requirement you believe has been violated.
 - A. Vermont Election Laws, Ch. 51 CONDUCT OF ELECTIONS, published July 2019 by Office of the Secretary of State Updated with 2019 Legislative changes. Reference Attachment Exhibit A.
 - B. Permitted Processes for Local Elections Conducted in 2020, April 24, 2020. Closing paragraph, “With the exception of the allowance of the permitted procedures above, the elections shall be carried out in all other respects in accordance with applicable provisions of Title 17 of the Vermont Statutes.” Reference Attachment D-1
 - C. Vermont Law does not allow candidates to count, inspect, or handle ballots in the election process.

5. Provide the names and contact information for anyone else who may have information regarding this complaint.
 1. Dolores Luebke, Chair, Pawlet Republican Committee, 3778 VT Rte. 153, West Pawlet, VT 05775; luebked@aim.com; (802) 645-0109.
 2. Terry Redfield, Chair, Nora Rubinstein, Patricia Hemenway, Middletown Springs Board of Civil Authority; Members present at Unwarned Meeting on August 17.
 3. Patty McCoy, Minority Leader, Vermont House of Representatives.

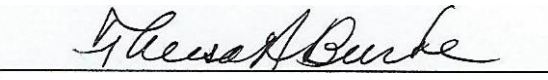
6. Has the conduct you describe above been the subject of a prior complaint? If yes, please explain.

Not to my knowledge.

7. Is there anything else the Ethics Commission should know about this complaint?

The public is questioning why the law was broken for one vote. What was the importance of one vote that a Vermont Representative was involved in this violation of election law?

I certify that the information provided in this complaint is true, correct, complete, and of my own personal knowledge. I will fully cooperate in the process regarding this complaint.

Theresa A. Burke _____  _____ Date: September 24, 2020
(Signature)

Submit to:

Stateethicscommission@Vermont.gov

Enter "Complaint" in subject line

or USPS mail to:

**Vermont State Ethics Commission
6 Baldwin Street
Montpelier, VT 05633-7950**

Vermont Ethics Commission

Complaint Filed September 24, 2020 by Rutland County Republican Committee

Exhibit A

Vermont Election Laws

VERMONT ELECTION LAWS Published July 2019 by Office of the Secretary of State
Updated with 2019 Legislative changes *An Index will be added at a later date

§ 2590.

Securing and storing ballots, tally sheets, and checklists

(a)(1) The following shall not be placed in a sealed container, but shall be delivered to the town clerk along with the sealed containers: (A) ballots that were never distributed to voters; (B) any vote tabulator memory card; and (C) the original entrance checklist.

(2) The presiding officer shall collect and deliver to the town clerk, securely sealed in the containers described in subsection (c) of this section, the following: (A) packages of voted ballots; (B) envelopes containing ballots that have been replaced; (C) envelopes containing defective ballots; (D) the exit checklist, if present; (E) tally sheets; and (F) other election material. 131

Ch. 51 CONDUCT OF ELECTIONS

(3) A copy of the entrance checklist shall be placed in the outside pocket of the sealed container or otherwise stored along with but outside the sealed container for deliver to the court in the event of a recount.

(4) If the material collected from one polling place is sealed in more than one container, the presiding officer shall ensure that there shall be attached to the container in which the exit checklist is located, a tag stating that the checklist is in that container.

(5) The form of the seal shall be designated and furnished by the Secretary of State in sufficient quantities to each town clerk. The Secretary of State shall require that all seals be safely kept and fully accounted for.

(b) The Secretary of State shall furnish to all town clerks sufficient quantities of uniform-style containers. The Secretary shall establish a method by which the outside of each container shall indicate the contents of the container, the town to which it belongs, and such other pertinent information as may be required.

(c)(1) The town clerk shall safely store the sealed containers and shall not permit them to be removed from his or her custody or tampered with in any way.

(2)(A) In the event that a container breaks, splits, or opens through handling, or in the event the original entrance checklist or a vote tabulator memory card was inadvertently sealed in a container, the town clerk shall notify the Secretary of State in writing, and the Secretary shall order the town clerk in the presence of two other town election officials who are not members of the same political party to open the bag to remove the entrance checklist or vote tabulator memory card or to move the entire contents to new containers, affix new seals, and transmit the new seal numbers. (B) Containers shall not be removed or tampered with in any other way, except under court order, or by order of any authorized committee of the General Assembly. (C) If necessary for safe storage of the containers, the town clerk may store them in a bank vault or other secure place, within or outside the town, provided that access to them cannot reasonably be had without the town clerk's consent. (d) Except as otherwise provided by federal law, all ballots and tally sheets shall be retained for a period of 90 days from the date of the election, after which time they may be destroyed; provided, however, that if a court order is entered prior to the expiration of the 90-day period, ordering some different disposition of the ballots, the town clerk shall abide by such order. 132

Ch. 51

CONDUCT OF ELECTIONS

(e) After the sealed containers are opened as provided in subsection (d) of this section, the town clerk shall file a copy of the entrance or exit checklist and preserve it, together with a statement of discrepancies, as a public record. The checklist shall be retained for a period of at least five years from the date of the election and shall be made available at cost to the public upon request.

Vermont Ethics Commission

Complaint Filed September 24, 2020 by Rutland County Republican Committee

Exhibit B

Minutes of Unwarned Middletown Springs Board of Civil Authority Meeting

Special Unwarned BCA Meeting

August 17, 2020

BCA Attendees: Terry Redfield, Nora Rubinstein, Patricia Hemenway. Laura came and went.

Observer: Robin Chesnut-Tangerman

Unofficial/impromptu meeting began at 3:10.

Purpose:

The Director of the Progressive Party notified Robin that Chris Ericson will be asking for a recount. While he was the only candidate on the ballot for governor, there were write-ins. Our BCA did not document the write-in candidates names and there was one Progressive ballot with a write-in for governor.

The bag of voted ballots was unsealed at 3:15 p.m. and we quickly found the ballot in question. The write-in candidate was David Zuckerman. It was also noted that the tabulator tape was not in the voted ballot bag, so, thinking it might have been put in the unvoted ballot bag, we unsealed it (at 3:25) as well but did not find it. Laura had it in her office.

Robin received a call-back from Pattie McCoy who told him that if/when there is a recall, the voted ballots go to the court and they open and count them. What we did not do was correct procedure.

We resealed both the voted and unvoted ballot bags. Terry left a message with the Secretary of State's office to advise them of our actions.

Meeting adjourned at 4:04 p.m.

Respectfully submitted,

Patricia Hemenway, Acting Secretary

Vermont Ethics Commission

Complaint Filed September 24, 2020 by Rutland County Republican Committee

Exhibit C

Letters Regarding Secretary of State Election Division

**C-1: Email Letter from Representative Robin Chesnut-Tangerman
To Dolores Luebke, Chair, Pawlet Republican Committee
Dated August 5, 2020 and her response noted above.**

Robin,

Thank you for your response.

Dolores

-----Original Message-----

From: Robin Chesnut-Tangerman <RChesnut-Tangerman@leg.state.vt.us>

To: Dcluebke <luebked@aim.com>

Sent: Tue, Aug 25, 2020 10:52 am

Subject: Re: Middletown Springs Primary Election

Delores,

I received the copy of your email to Will Senning this morning. Allow me to give a brief recap of what happened.

The process was initiated when the ED of the VT Progressive Party called me. There had been one Progressive ballot voted in Middletown Springs which had a write-in name for governor. That fact was reported to the Secretary of State, but the name of the write-in was not recorded. At that time a recount of the Progressive nomination for governor seemed likely and the name written in should have been recorded.

I spoke with out Town Clerk asking her where that information was recorded. She did not know. I then spoke with the Chair of the BCA asking the same question. He did not know either. Because Rep McCoy had helped out Town Clerk submit our town results to the state I left a phone message for her asking the same question.

At that point the Chair of the BCA, who is also the select board chair, called two other BCA members, one Democrat and one Republican, and with the approval of the Town Clerk retrieved the ballot bag and opened it. I was present as an observer but did not participate or handle any ballots at any time. The ballot in question was located and the name of the write-in was noted. Minutes were taken noting all actions, times, and those present.

At that moment Rep McCoy called and advised me NOT to open bag stating that that would be a violation of election law, stating that the bags could only properly be opened as part of a formal recount in Superior Court. I relayed that information to the BCA members and the Clerk. At that point the bags were resealed with new locks and the tags updated and signed by those present, including me as a witness.

The Chair of the BCA promptly notified the Secretary of State's Office about the actions taken and assuming full responsibility. I also contacted the Office to clarify why those actions were taken and my role in initiating them.

No ballots or vote counts were altered in any way nor were the numbers reported to the state changed at all. I was not listed on the ballot in question.

Despite the good intentions of all persons involved, there was indeed an “irregularity” that occurred, not in the processing of ballots to report the count, but days later and with no changes resulting. I look forward to the Secretary of State resolving any confusion that may remain and laying this to rest.

Sincerely,
Robin

Rep. Robin Chesnut-Tangerman
Rutland Bennington District
rchesnut-tangerman@leg.state.vt.us
802-282-5535

**C-2: Email Cpver Letter to William Senning, Director of Elections Division
From Dolores Luebke, Chair, Pawlet Republican Committee
Dated August 25, 2020**

On Aug 25, 2020, at 10:01 AM, Dcluebke <luebked@aim.com> wrote:

Dear Director Senning,

Attached is a letter in regard to the August 11, Primary Election in Middletown Springs.

I appreciate your attention to this matter.

Thank you,

**Dolores C. Luebke, Chair
Pawlet Republican Committee**

<Letter to William Senning, Director of VT Elections Division, August 25, 2020, from Dolores C. Luebke, Chair, Pawlet Republican Committee.docx>

**C-3: Email Letter to William Senning, Director of Elections Division
From Dolores Luebke, Chair, Pawlet Republican Committee
Dated August 25, 2020 Follows.**

Dolores C. Luebke
3778 VT Route 153, West Pawlet, VT 05775

August 25, 2020

William Senning, Director
Elections Division
128 State Street
Montpelier, VT 05633-1101

Re: Middletown Springs Primary Election

Dear Director Senning:

It has come to my attention that there were irregularities in processing the ballots for the Town of Middletown Springs, August 11, 2020 primary election.

I have been advised that the ballot bag was opened at the request of an elected state legislator who was also a candidate in this primary election. I was told that the contents of the bag were examined. I do not know if changes were made to the ballots or to the state reports. It is believed that a member of the Middletown Springs Select Board was present and that he has sent a letter to the Secretary of State's office regarding this break in protocol.

I request a full investigation of this breach of election law and a reassurance that the contents of the bag and integrity of the election were not violated.

Thank you for your attention to this matter.

Sincerely,

Dolores C. Luebke, Chair
Pawlet Republican Committee
Rutland-Bennington District Republican Organizer
Rutland County Republican Committee Woman
luebked@aim.com
(802) 645-0109

CC: Jim Condos, Secretary of State
Laura Castle, Town Clerk, Middletown Springs
Terry Redfield, Selectboard, Middletown Springs
Robin Chesnut-Tangerman, State Representative, Rutland-Bennington District

Vermont Ethics Commission

Complaint Filed September 24, 2020 by Rutland County Republican Committee

Exhibit D

Front Porch Forum Posts RE: Election Integrity

D-1

Election Integrity

Middletown Springs – No. 1975 • Robin Chesnut-Tangerman • State Representative, Rutland-Bennington

Posted to: Pawlet Wells

Sep 1, 2020

ELECTION

Vermont is not immune from partisan sniping, and it seems that the president's strategy of sowing doubts about the integrity of our electoral system is taking root here. A few days ago I got a phone call from a True North reporter looking for comment on the "missing ballots" in Middletown Springs. By the end of our conversation he agreed that there was no story to write.

What happened began with my efforts to locate the list of write-in names from the primary, specifically what name had been the write-in on a ballot cast for governor on the Progressive ballot. When primary results were reported to the Secretary of State, it appears that no names of write-in candidates were recorded in Middletown Springs. With a potential recount looming in the Progressive gubernatorial race, every vote could prove critical.

The Town Clerk didn't have the list. The Board of Civil Authority didn't have the list. I left a message for Representative Pattie McCoy to see if she knew the names, because she had helped our Clerk upload the results to the Secretary of State.

Because that write-in information had not been recorded, three Board of Civil Authority members - one Republican, one Democrat, and the BCA chair - with the Town Clerk's assent, opened the ballot bag, and located the ballot in question. I remained as a witness, sitting away from their table; they took notes of all their actions. At that point Rep. Pattie McCoy returned my earlier call and advised in no uncertain terms that the ballot bag should NOT be opened as it could only properly be unsealed in a formal recount conducted in Superior Court.

So the bag was resealed, the label updated and signed by all those present. No vote counts were changed, no votes added or deleted. The pending recount proved unnecessary after all, but a lesson was surely learned. The

BCA chair and I each promptly contacted the Secretary of State's office to alert them to the mistake and provide a full accounting.

And that should be the end of the story, except it isn't.

H. Brooke Paige, a candidate for attorney general and also secretary of state, got wind of this error and is spinning it into a larger accusation of election fraud; others are amplifying this unfounded narrative. Partisans are calling for an investigation by the Elections Division, which I fully welcome, to lay this issue to rest.

Our times are fraught enough without those who jump to attack election integrity to score political points and fuel our mutual distrust. Partisan sniping does all of us a disservice and distracts from the very real issues we are facing.

D-2

What Does Integrity Mean to You?

Middletown Springs – No. 1977 • Ryan Decelle • South Street, Middletown Springs

Posted to:

Sep 3, 2020

DISCUSSION

I am responding to Robin Chestnut-Tangerman's recent post and the actions at the Town Office after the elections. It's ironic that the title of his post was "Election Integrity" since I found the post to have an extremely defensive tone and right away he was placing blame on other people. It took until the end of the post for him to admit that a mistake was made and I don't see an apology anywhere in the post. Personally, I feel as though people should take accountability and ownership of their actions and mistakes. That is a true leader. Instead, the majority of the post focused on excuses and everything but the actual error that was made. I also found it very offensive that the first line was an insult to our President. I don't see how there is any correlation there and found it unnecessary and careless.

Personal opinions aside, I worked for the Town of Wells as Assistant Town Clerk/Town Treasurer prior to opening my daycare and can tell you that opening up the ballots is not something that should be taken lightly and there are legal ramifications. If there is a valid reason for it, the State must give approval PRIOR to opening the ballots and then the Board of Civil Authority (BCA) can officially schedule a meeting with notice given to the public. This is information that every elected official should be well aware of and I don't believe there would be any reason for Mr. Chestnut-Tangerman to even be present for this. There are definitely times that ballots need to be re-checked however there is a process in place for that reason and it should be followed. I do not think that the issue should be laid to rest nor do I believe that a reporter's opinion of there being "no story" is sufficient enough for the townspeople.

I make every effort to teach my children as well as those in my care that you need to take responsibility for your actions and your mistakes. You admit when you are wrong and you try to rectify the situation. Blaming others and

being flat out defensive is not the way to handle the problem. I hope that others do look into this and educate themselves on what is really going on here and who we are voting for to represent us.

D-3

Re: Election Integrity

Middletown Springs – No. 1983 • Tammy English • East St, Middletown Springs

Posted to:
Sep 12, 2020

ELECTION

This goes along with a post I submitted regarding a commentary written by Rep. Chestnut-Tangerman. It appears in 2017 Rep. Chestnut-Tangerman knew the protocol and laws regarding the opening of the ballot bag. He knew them well enough to write a commentary about the subject in a popular newspaper in Vermont. In the matter of 3 short years, Rep. Chestnut-Tangerman forgot the protocol and rules as they pertain to opening a ballot bag. Is it a memory lapse, lack of judgment or does it vary with political agendas? Whatever it is, it certainly makes me question his "election integrity".

Re: Election Integrity

Middletown Springs – No. 1983 • Tammy English • East St, Middletown Springs

Posted to:
Sep 12, 2020

ELECTION

Commentary written by Rep. Chestnut -Tangerman on March 6, 2017 in VT Digger regarding opening ballot bags. It appears that in 2017 he knew the correct protocol in the opening of the ballot bag.

Robin Chesnut-Tangerman: The recount that never was By Commentary Mar 6 2017

Editor's note: This commentary is by Rep. Robin Chesnut-Tangerman, P/D-Middletown Springs, who represents the Rutland Bennington district in the Vermont House of Representatives and is leader of the House Progressive Caucus. He serves on the Energy and Technology Committee. In the first part of this session, the Legislature embarked on a recount process to provide voters with clarity and confidence in the outcome of the Orange-1 House race. This is a look at why.

The race between Progressive five-term incumbent Susan Hatch Davis and Republican challenger Robert Frenier was always close. The initial vote count showed Mr. Frenier winning by eight votes. Ms. Hatch Davis asked for a recount because the results were far closer than the 5 percent margin that can trigger a recount. Unfortunately the recount process, which counted eight new votes and reduced Mr. Frenier's winning margin to seven, provided little clarity about the process and in fact raised many new questions. Ms. Hatch Davis requested a hand recount. The presiding judge said it was not within the court's authority, so Ms. Hatch Davis appealed to the Legislature.

According to the Vermont Constitution, the Legislature is the final arbiter on elections of its own members; the House last undertook a recount in 1985.

In the partisan bickering that followed, several details got lost, details that help the average person understand why this process was appropriate and why a five-term incumbent would risk angering her former colleagues by putting them through this process. Among the eight election violations or errors she grieved were the following:

1) Absentee ballots were treated differently in different towns. Election law outlines specifically when a ballot shall be determined to be "defective," which in the case of absentee ballots may include the outer envelope not being signed or sealed, or two ballots enclosed in one envelope. At question was whether absentee ballots with the inner envelope unsealed were deemed defective in all towns, or just some towns.

2) In the recount process, ballots were fed through a scanner and then examined afterward, as required by law. However Ms. Hatch Davis' complaint claims that not only were some ballots "forced" into the scanners, but there were numerous other errors including not inspecting ballots for stray marks, folds or creases, which might be misread, using an inappropriate tabulator and memory card, and failure to create "substitute ballots" in place of those rejected by the machine.

3) Not all voter checklists were reconciled so that the number of people checking in, checking out, and voting all agreed.

Even though Republicans protested loudly that the recount was unnecessary, they do agree that we must improve the official recount process so that everyone has confidence in the outcome of the next recount.

The House agreed to conduct a recount, and despite a lengthy, contentious and partisan process, agreed to the policies and procedures to conduct it. The day before the recount was to happen it was discovered that one of the ballot bags had been unsealed to retrieve a voter checklist that had been inadvertently closed inside, and then resealed. Opening and resealing a ballot bag is neither unusual or secret; the secretary of state had given permission to do so on Dec. 29.

However the recount procedure approved by the House spelled out that, "If it is found that any seal or container has been tampered with, the recount shall not move forward and Representative Frenier shall retain his seat." End of process.

Unfortunately we will never get the definitive vote count we were looking for. Even though Republicans protested loudly that the recount was unnecessary, they do agree that we must improve the official recount process so that everyone has confidence in the outcome of the next recount.

While Susan Hatch Davis and Robert Frenier are denied knowing the exact vote counts of their race, the Legislature's goal is to provide that certainty in the future, to ensure that every vote is treated the same way in every town, and that ballots are examined for discrepancies before being fed into the scanner.

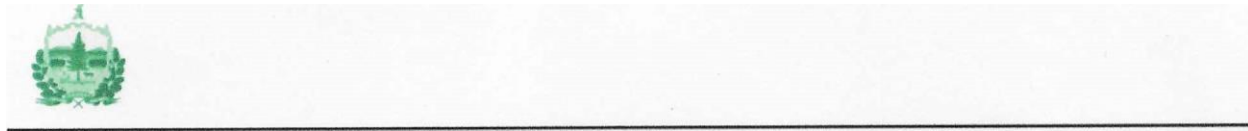
At the end of it all, Susan Hatch Davis has stood up against a a loud chorus of condemnation and fought for election integrity, as fiercely as she fought for her constituents over the last 10 years. The voters of Orange-1 district deserve that level of election dedication, as do voters across the state. I am confident that in the crucible of this non-recount, the Legislature is now willing to hammer out the process to ensure that every vote is counted accurately and voters and candidates alike can be certain of the outcome.

Vermont Ethics Commission

Complaint Filed September 24, 2020 by Rutland County Republican Committee

Exhibit E

Permitted Processes for Local Elections Conducted in 2020



State of Vermont
Office of the Secretary of State [phone] 802-828-2363 James C. Condos, Secretary of State 128 State Street
<https://sos.vermont.gov> Christopher D. Winters, Deputy Secretary
Montpelier, VT 05633-1101

April 24, 2020

Permitted Processes for Local Elections Conducted in 2020

Pursuant to the authority granted in Act 92, 53 (2020), and in agreement with the Governor:

The Secretary of State hereby permits, in the year 2020, the legislative body of any municipality that has an upcoming local election to adopt one or more of the following procedures for use in conducting that election:

1. A municipality may proactively mail a ballot for a local election to every registered voter or to every "active" voter.
 - a. The ballot shall be mailed no less than 15 days before the election.
 - b. Every article to be voted at the election shall be included on the ballot (Municipalities with floor meetings may convert those meetings to Australian ballot pursuant to Section 4 of Act 92).
 - c. A postage paid return envelope and instructions on how to vote and return the ballot must be included with each ballot sent to a voter.
 - d. A ballot shall be sent forthwith to any person who registers to vote after the initial mailing of ballots has occurred.
 - e. Ballots must be returned by the close of the polls on election day and all other absentee ballot procedures contained in Title 17 shall be followed.

2. A municipality may implement a drive-up voting procedure where voters complete the voting process without leaving their vehicle. Each voter shall:
 - a. Be checked off the entrance checklist by an election official in the same manner as the voter would be in a standard polling place;
 - b. Be provided a ballot to vote and directed to an identified location where their vehicle may be parked during the voting process;
 - c. Be able to deposit their ballot directly into a secure ballot box that may be brought to the window of the vehicle or located in such a manner that it can be accessed from the vehicle, and again be checked off an exit checklist before leaving the voting location.

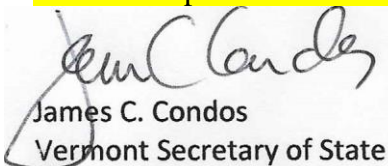
A person may fill out a voter registration form and submit it to an election official for processing before receiving a ballot. An area shall be provided for those filling out registration forms to leave the line of traffic and complete the form before being checked off the checklist and provided a ballot.

Municipalities should consult with the Secretary of State's office in developing these procedures,

3. A municipality may hold their polling location outside and otherwise follow standard polling place rules.
4. If a municipality uses a tabulator, ballots do not have to be reviewed by hand, under the following circumstances:
 - a. There is no election of officers on the ballot and, as such, no write-in spaces; or
 - b. There is an election of officers but the total write-in vote counted by the tabulator is not higher than the total for the winning candidate(s) that was named on the ballot.
5. A municipality may waive the deadline to file nominating paperwork for local offices contained in 17 V.S.A. 52681 and allow those consent forms to be filed until a date determined by the municipality that will facilitate the ballots being prepared no later than 20 days before the election as required by 17 V.S.A. 5 2681a.
6. Any polling place for a local election, whether employing the processes allowed by this directive or not, shall be conducted in a manner consistent with current guidance regarding social distancing, group size/building capacity orders, or other measures issued by the Department of Health or Centers for Disease Control and Prevention, or contained in any current Executive Orders of the Governor.

A municipality that intends to use any of the procedures permitted by this directive is strongly encouraged to consult with the Elections Division of the Secretary of State's office for assistance in implementing these processes.

With the exception of the allowance of the permitted procedures above, the elections shall be carried out in all other respects in accordance with the applicable provisions of Title 17 of the Vermont Statutes.


James C. Condos
Vermont Secretary of State

 .VERMONT