

TOWN OF MANCHESTER, VERMONT
RECOUNT PROCEDURES

Manchester Town Hall – Kilburn Meeting Room
March 13, 2025 9:00 AM
Selectboard – 3-year term

Pursuant to 17 V.S.A. § 2683, the Manchester Town Clerk received a request from W. Michael Nawrath to conduct a hand count of the Selectboard race for the 3-year term on Monday, March 10, 2025 at 3:47 PM. The recount has been scheduled for Thursday, March 13, 2025 beginning at 9:00 AM.

Board of Civil Authority (BCA) members and other election officials will begin breaking intab seals 0377811 & 0377813 on the voted ballot container (bag 1 of 2). All unused, unvoted ballots were sealed in a separate voted ballot container (bag 2 of 2) affixed with intab seal 0061068 and will be reviewed after all voted ballots are accounted for and sealed in the voted ballot container.

We will sort ballots by ovals marked, count ballots in stacks of 50, make a tally mark for every 50 ballots counted per candidate and provide the results of the recount when we complete the task. Below are the steps we will be following for the recount:

1. Sort ballots by the oval marked on the ballot.
 - a. Stack of ballots with votes for Greg Cutler
 - b. Stack of ballots with votes for W. Michael “Mike” Nawrath
 - c. Stack of ballots with votes for write-ins
 - d. Stack of ballots with over votes (voter filled in too many ovals and did not make their intent clear)
 - e. Stack of ballots with under votes (voter chose to leave the race blank)
 - f. Stack of ballots with voter intent (machine read the ballot a certain way, but the voter made their intent clear on the ballot)

2. A team of two (2) election officials will count stacks of 50, cross hatching the bundles of 50 and making a single tally mark on the tally sheet provided for every 50 ballots counted.
3. The team of two (2) election officials will sign the bottom of the tally sheet.
4. The first team of two (2) election officials will pass the tally sheet and ballots to second team of two (2) election officials to confirm the votes and tally sheet.
5. The second team of two (2) election officials will sign the bottom of the tally sheet.
Steps 2 through 5 will be repeated until all ballots and votes have been accounted for.
6. After all voted ballots and votes have been accounted for, BCA members and election officials will confer with each other, and provide the figures to the Town Clerk.
7. Voted ballots will be sealed in the voted ballot container and sealed with two new intab seals and a tag labeled with all items in the voted ballot container.
8. Board of Civil Authority (BCA) members and other election officials will break intab seal 0061068 (unused, unvoted ballots) to confirm all ballots in bag 2 of 2 were unused and unvoted.
9. The Town Clerk shall announce the results in the Kilburn Meeting Room.

For reference, please find applicable Vermont Statutes Annotated attached to the recount procedures.

If you have any questions, comments or concerns, please contact the Manchester Town Clerk as soon as possible.

Thank you,

Anita L. Sheldon, MMC/CVC
Manchester Town Clerk

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(802) 713 8056

VERMONT STATUTES ANNOTATED

Digital reference: <https://legislature.vermont.gov/statutes>

17 V.S.A. § 2683 Request for a recount; candidates

(a) A candidate for local office may request a recount by filing a request in writing with the municipal clerk within 10 days after the election.

(b) If the difference between the number of votes cast for a winning candidate and the number of votes cast for a losing candidate is five percent or less of the total votes cast for all the candidates for an office, divided by the number of persons to be elected, that losing candidate shall have the right to have the votes for that office recounted. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 112; 2013, No. 161 (Adj. Sess.), § 56; 2017, No. 50, § 57.)

17 V.S.A. § 2684) Time and place of recount; notice

The clerk shall fix the time and place for a recount for not less than two nor more than five days from the time the petition is received, and shall promptly notify the opposing candidates and the board of civil authority. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 113.)

17 V.S.A. § 2685) Conduct of Recount

(a)(1) Except as provided in subdivision (2) of this subsection, at the time and place specified by the clerk, the board of civil authority shall break the seal, open the ballot container, and recount the votes pursuant to the procedure set forth in section 2685a of this subchapter and otherwise in the same manner as the votes were counted on the day of the election.

(2) When the ballot for the office is printed on index stock and configured to be readable by vote tabulator, the town clerk and board of civil authority shall conduct the recount by vote tabulator, pursuant to the procedure set forth in chapter 51, subchapter 9 of this title to the greatest extent practicable, if:

(A) the candidate who petitions for a recount requests that it be conducted by vote tabulator;

(B) the board of civil authority, at a meeting held not less than 60 days prior to a local election and warned pursuant to 24 V.S.A. § 801, has voted to require the municipality for which it is elected to use vote tabulators in subsequent recounts; or

(C) the municipality has voted to use vote tabulators in subsequent recounts pursuant to a meeting warned for the purpose.

(b) The petitioner, the opposing candidates, and their designated representatives may inspect the ballots and observe the recount under the guidance of the board.

(c) The board shall certify the result to the town clerk, who shall declare the result.

(d) After the recount, the board shall seal the ballots and other materials back in the containers and the town clerk shall safely store them as provided in section 2590 of this title. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1979, No. 200 (Adj. Sess.), § 114; 2009, No. 40, § 4a; 2013, No. 161 (Adj. Sess.), § 57; 2015, No. 30, § 28, eff. May 26, 2015; 2017, No. 50, § 58.)

17 V.S.A. § 2685a Procedure for recount

(a) Storage of ballots; assignment of duties.

(1) The town clerk shall store all ballots, still in their sealed containers, in his or her vault until the day of the recount.

(2)(A) The town clerk shall supervise the recount.

(B) If the town clerk is unavailable or is a candidate for the office subject to the recount, the board of civil authority shall appoint a voter of the municipality to perform the duties of the town clerk under this section.

(3)(A) The board of civil authority shall appoint a sufficient number of impartial assistant election officers to perform appropriate tasks to conduct the recount.

(B) Each assistant election officer shall be appointed and sworn as set forth in section 2454 of this title.

(4), (5) [Repealed.]

(b) Preparation for recount.

(1) Before the recount begins, the town clerk shall explain the recount procedures that are to be followed and shall answer questions relating to such procedures.

(2) The election officials shall recount the contents of one container before another container is opened and shall recount the contents of all the containers relating to one polling place before moving to those of another polling place.

(c), (d) [Repealed.]

(e) Ballot review.

(1) If the election officials examining a particular ballot do not agree on how the vote on that ballot should be counted, all of the board of civil authority members present shall review the vote, and the vote shall be counted as agreed upon by a majority of those board of civil authority members.

(2) A write-in vote for a preprinted candidate shall be counted as a vote for that candidate.

(f), (g) [Repealed.]

(h) Other rules for conducting the recount.

(1) The town clerk shall preserve order. If a person, after notice, is persistently disorderly and refuses to withdraw from the premises, the town clerk may cause the person to be removed from the premises.

(2) The town clerk shall designate an area within which the recount shall take place. Persons who are not board of civil authority members or appointed impartial election officers shall be permitted to view a recount in progress, but persons not authorized by the town clerk shall not be permitted within the area designated by the town clerk.

(i) After the recount.

(1)(A) Except as provided in subdivision (B) of this subdivision (1), if the recount results in a tie, a runoff election shall be conducted in accordance with section 2682b of this chapter.

(B) If the recount confirms a tie as to any public question, a new election shall not be held, and the question shall be certified not to have passed.

(2) [Repealed.] (Added 2013, No. 161 (Adj. Sess.), § 58; amended 2017, No. 50, § 59.)

17 V.S.A. § 2686 Declaration of Result

If the recount shows that a person other than the one declared elected upon the original canvass of votes has the number of votes required by law for election to office, that person shall be declared elected and shall be entitled to the office. (Added 1977, No. 269 (Adj. Sess.), § 1.)

17 V.S.A. § 2687 Appeal to Superior Court

Within five days after the declaration of the clerk, an aggrieved candidate may appeal to the Superior Court by giving a written notice to that effect to the other candidates who appeared before the board of civil authority. The original of the notice shall be filed with the county clerk. No entry fee shall be charged in these matters. The Superior Court shall immediately issue an order directing the town clerk to transmit to the county clerk all ballots, papers, and records affecting the appeal, and fixing a time for hearing in open court or before a referee not later than five days from the making of the order. The order shall be served upon the town clerk and all other candidates who have appeared before the board. A reference may be ordered upon any or all questions. At the time and place so fixed, the matter shall be summarily heard and determined and the costs taxed as in other civil actions. (Added 1977, No. 269 (Adj. Sess.), § 1; amended 1985, No. 198 (Adj. Sess.), § 13.)