

STATE OF VERMONT

SUPERIOR COURT
Rutland Unit

CIVIL DIVISION
Docket No. _____

In Re: Town of Benson Select Board Election

**VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT
CONTEST OF AN ELECTION - 17 V.S.A. §2603**

NOW COMES the Town of Benson, and the Benson Town Clerk, Heidi Chandler, by and through their attorney, James W. Barlow, Esq. request that the Court declare the 2024 town meeting election of two Select Board members, each to a one-year term, invalid and order a new election. In support of this request, Ms. Chandler and the Town of Benson state as follows:

1. Heidi Chandler is a legal voter of the Town of Benson and its Town Clerk. The Town of Benson conducts officer elections by Australian ballot pursuant to 17 V.S.A. §2680(b).
2. On January 22, 2024, Jean-Sebastian Valois filed a nomination petition with Town Clerk Heidi Chandler for one of two one-year positions on the Benson Select Board.
3. Vermont law provides, “A candidate shall be registered to vote in the town he or she is seeking office at or before the time of filing the petition.” 17 V.S.A. §2681(a)(1)(B).
4. Mr. Valois was not registered to vote in the Town of Benson at or before the time of filing his nomination petition. Ms. Chandler did not know Mr. Valois was not registered to vote when she accepted his nomination petition.
5. On February 14, 2024, Ms. Chandler posted the sample ballot for the 2024 annual town meeting in accordance with the requirements of 17 V.S.A. §2522. Mr. Valois was included on the sample ballot as one of four candidates for two one-year positions on the Benson Select Board.
6. On February 28, 2024, Ms. Chandler learned that Mr. Valois was not registered to vote in the Town of Benson and informed him of this oversight. On February 29, 2024, Mr. Valois registered to vote in the Town of Benson at the Town Clerk’s office.
7. At its annual town meeting held on March 5, 2024 the Town of Benson conducted the election for the two one-year positions on the Select Board. Mr. Valois was included on the ballot as a candidate. A certified copy of the ballot is attached hereto as Exhibit A.
8. In the election, Jim Pritchard received 174 votes. Linda Swarm Peltier received 162 votes. Jack D. Helm received 128 votes. Jean-Sebastian Valois received 76 votes. Write-in candidate Sam Bartholomew received 1 vote. Jim Pritchard and Linda Swarm Peltier were declared the winners of the election.
9. Mr. Valois was not registered to vote in the Town of Benson at or before the time the time of filing his nomination petition and the inclusion of Mr. Valois on the ballot as a candidate for two one-year positions on the Benson Select Board was an error in the conduct of this election. But for the

improper inclusion of Mr. Valois’s name on the ballot, the votes received by Mr. Valois would most likely have been cast for the other candidates, potentially changing the result of the election.

WHEREFORE, the Town of Benson and Benson Town Clerk Heidi Chandler request the following relief:

- A. That the March 5, 2024 election for two one-year positions on the Benson Select Board be declared invalid;
- B. That the Court order that the Town of Benson conduct a new election for the two one-year positions on the Benson Select Board;
- C. That the Court set a date for the new election; and
- D. That the Court issue further orders and relief as the Court deems just and equitable.

Dated at Peacham, Vermont this ____ day of March, 2024.

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VERIFICATION

I, Heidi Chandler, am the Town Clerk of the Town of Benson, Vermont. I have read and reviewed the above stated VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT CONTEST OF AN ELECTION, 17 V.S.A. §2603 and state under the pains and penalties of perjury that I am familiar with the facts referenced therein and the above facts as pled in this Verified Complaint are true and accurate to the best of my knowledge.

Heidi Chandler
Benson Town Clerk

Date

Subscribed and sworn to before me this ____ day of March, 2024.

Notary Public

VERIFICATION

I, Guy Charlton, am the Select Board Chair of the Town of Benson, Vermont. I have read and reviewed the above stated VERIFIED COMPLAINT FOR DECLARATORY JUDGMENT, CONTEST OF AN ELECTION, 17 V.S.A. §2603 and state under the pains and penalties of perjury that I am familiar with the facts referenced therein and the above facts as pled in this Verified Complaint are true and accurate to the best of my knowledge.

Guy Charlton
Benson Select Board Chair

Date

Subscribed and sworn to before me this ____ day of March, 2024.

Notary Public