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**Veto Message: Governor Douglas  
2003 (H.26)  
An act relating to candidate qualifications**

STATE OF VERMONT  
Executive Department.  
Montpelier, Vt., May 21, 2003

**Message from the Governor**

A message was received from His Excellency, the Governor, by Mr. Neal Lunderville, Secretary of Civil and Military Affairs, as follows:

Mr. Speaker:

I am directed by the Governor to inform the House of Representatives that on the twentieth day of May, 2003, he returned without signature and vetoed a bill originating in the House of Representatives of the following title:

**H.26 An act relating to candidate qualifications**

**Communication from the Governor**

May 20, 2003  
Donald G. Milne  
Clerk of the House of Representatives  
State House  
Montpelier, Vermont 05602

Dear Mr. Milne:

I am returning H. 26, An Act Relating to Candidate Qualifications because of my objections described below.

The Vermont Constitution, Chapter II, section 15, and Vermont's current election law pertaining to representatives, 17 V.S.A. §1892, state that "no person shall be elected a representative or senator until the person has resided in this state two years, the last of which shall be in the legislative district for which the person is elected." House Bill 26 proposes to clarify the residency requirement by adding a provision that precludes an individual from running for a seat in the General Assembly "until he or she has resided in this state for two years immediately preceding his or her election, the second of which shall be in a municipality in the senatorial district" or "in a municipality or that part of a municipality in the representative district."

Although intended to clarify the residency requirement found in the Vermont Constitution, my objection to H. 26 is that the addition of the "immediately preceding" language may have the effect of limiting the candidacy of individuals beyond what was intended by the framers of the Vermont Constitution. I am particularly concerned when I compare the §15 provision to §23 of Chapter II that establishes the qualifications of the Governor and Lieutenant Governor. Section 23 expressly provides that the four-year residency requirement for Governor and Lieutenant Governor must be for "four years next preceding the day of election." When the framers intended that a residency requirement run consecutively and prior to an election, that intent was clearly spelled out.

In my twelve year tenure as Vermont's Secretary of State, I adhered to the philosophy that ambiguity in the law with regard to candidate qualifications should be decided in favor of the candidacy. Such an approach is in keeping with Vermont's longstanding tradition of democracy and the constitutional provision that a citizen has both the right to elect officers and to be elected. By its clarification of the residency requirement, which is admittedly subject to differing interpretations, H. 26 errs on the side of restricting a candidate's ability to run. If a candidate should run and win an election, a challenge to the qualifications of the elected member because he or she may have resided in Vermont at some time in the past, but not immediately preceding the election, can be taken. The General Assembly, without

question. has the final authority to determine that election and the qualifications of the member elected. In my view, the voters should be afforded the first opportunity to discern the significance of the nature of one's residency on a candidate-by-candidate basis at the polls.

Based on my objections as outlined above, I am returning the bill unsigned and with objections in writing to the House pursuant to Chapter II, §11 of the Vermont Constitution.

Sincerely,

/s/James H. Douglas  
Governor

**Governor's Veto Sustained  
H.26, 2003**

The Governor's veto was sustained in the House:  
**Yeas 44 Nays 85**  
(a 2/3 vote of 86 needed to override the veto)

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Sources: *Journal of the House*, May 21 & 22, 2003