



## **Board for Registration of Voters**

**Tuesday, June 2, 2026, 6:00 PM,**

**Police Department Community Room, 1 North Ave, Burlington, VT, 05401 OR remotely via Zoom.**

### **Join Zoom Meeting**

**<https://zoom.us/j/93712437108>**

**Meeting ID: 937 1243 7108**

### **1. Call Meeting to Order**

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### **2. Agenda**

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**2.1. Motion to amend/adopt agenda**

### **3. Announcements**

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#### **Subject 3.1. Judge's Order Dismissing Lawsuit and City Attorney statement**

File Attachments

1. Decision on Motion 934b6179-fb97-42ab-ba48-4fdd079d599d.pdf

### **4. Meeting Length**

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### **5. Adopt Minutes**

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#### **Subject 5.1. Motion to adopt previous meeting's minutes**

File Attachments

1. Board for Registration of Voters 05052026 Board for Registration of Voters 05052026.pdf

### **6. Public Forum**

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### **7. Clerk's Report**

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### **8. Approval of Voter Challenges**

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### **9. Communication to City Council re: Board Member Appointments**

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#### **Subject 9.1. Jeanne's memo to Board**

File Attachments

1. May 27 Memo Keller May 27 Memo Keller.docx

## **10. New Business**

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**10.1. Transition Plan for New Chair & 2026**

## **11. Adjournment**

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**11.1. Motion to Adjourn**

VERMONT SUPERIOR COURT  
Chittenden Unit  
175 Main Street  
Burlington VT 05401  
802-863-3467  
www.vermontjudiciary.org



CIVIL DIVISION  
Case No. 25-CV-05286

<p>WILLIAM OETJEN AND JEFFREY COMSTOCK, Plaintiffs</p> <p>v.</p> <p>CITY OF BURLINGTON, Defendant</p>	<p>DECISION ON MOTION</p>
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RULING ON DEFENDANT’S MOTION TO DISMISS

This action involves a challenge to Defendant City of Burlington’s Board for Registration of Voters (“BRV”), which is tasked by the City’s charter with duties relating to the preparation and maintenance of its voter checklists. Plaintiffs William Oetjen and Jeffrey Comstock assert claims for declaratory relief and mandamus against the City of Burlington (“the City” or “Burlington”) based on its failure to appoint them to the BRV pursuant to a request made in September 2025. The City has filed a motion to dismiss pursuant to Rules 12(b)(1) and (6) of the Vermont Rules of Civil Procedure. Plaintiffs are represented by Attorneys Brady Toensing, Esq. and Matthew D. Hardin, Esq. and the City is represented by Assistant City Attorney Erik Ramakrishnan, Esq. For the reasons discussed below, the City’s motion is DENIED as to Rule 12(b)(1) and GRANTED as to Rule 12(b)(6).

Factual Background

For purposes of deciding the instant motion, the Court accepts the following facts alleged in Plaintiff’s Complaint and the attached documents as true. The Court makes no finding as to their accuracy.<sup>1</sup>

William Oetjen and Jeffrey Comstock are United States citizens and registered voters in Burlington. Mr. Oetjen is the Chairman of the Burlington Republican Party and Mr. Comstock is a member of the Republican party. Burlington’s charter provides that the BRV shall perform certain election-related duties that otherwise would be performed by the Board of Civil Authority

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<sup>1</sup> See *Montague v. Hundred Acre Homestead, LLC*, 2019 VT 16, ¶ 10, 209 Vt. 514 (“On a motion to dismiss, the court must assume that the facts pleaded in the complaint are true and make all reasonable inferences in the plaintiff’s favor.” (citation omitted)). The Court does not accept as true “conclusory allegations or legal conclusions masquerading as factual conclusions.” *Vitale v. Bellows Falls Union High Sch.*, 2023 VT 15, ¶ 28, 217 Vt. 611 (quotation omitted).

in other municipalities. Currently, the BRV is composed of 12 members: five Democrats, four Progressives, two Independents, and one Republican. In 2021, upon request made by the Burlington Republican Party Chairman, the Burlington City Council appointed two Republicans to the BRV who had been proposed by the Party.

In 2025, one of two Republicans on the BRV resigned and was replaced with a Democrat. In September 2025, Mr. Oetjen sent a letter requesting that the City appoint Mr. Comstock and himself to the BRV, pursuant to 17 V.S.A. § 2143. On November 4, 2025, the City Attorney's Office replied to Oetjen by email declining his request and explaining that 17 V.S.A. § 2143 does not apply to the BRV.

On November 25, 2025, Plaintiffs filed the instant Complaint, seeking (1) a declaratory judgment that 17 V.S.A. § 2143 applies to the BRV such that they are entitled to be placed on that board and (2) a writ of mandamus, pursuant to Rule 75, requiring the City to place them on the BRV.

### Discussion

“The purpose of a motion to dismiss is to test the law of the claim, not the facts which support it.” *Powers v. Office of Child Support*, 173 Vt. 390, 395, 795 A.2d 1259, 1263 (2002) (citation omitted). “[W]here the plaintiff does not allege a legally cognizable claim, dismissal is appropriate.” *Montague*, 2019 VT 16, ¶ 11 (citation omitted). “Rule 12(b)(1) allows a court to dismiss an action for lack of subject matter jurisdiction, including lack of standing, while Rule 12(b)(6) allows dismissal for failure to state a claim upon which relief can be granted.” *Hous. Our Seniors in Vt. Inc. v. Agency of Com. & Cmty. Dev.*, 2024 VT 12, ¶ 8, 219 Vt. 80; *see also id.* ¶ 9 (explaining that “the former determines whether the plaintiff has a right to be in the particular court and the latter is an adjudication as to whether a cognizable legal claim has been stated” (quotation omitted)). When considering a motion alleging both Rule 12(b)(1) and 12(b)(6) grounds, the Court assumes the truth of the facts alleged, making all reasonable inferences in the plaintiffs’ favor. *Id.* ¶ 10.

#### I. Rule 12(b)(1) Motion.

The City argues that Plaintiffs lack standing to bring this action because they do not allege that they applied to serve on the BRV before the City Council and Mayor made appointments to the BRV in August 2025 and they have not exhausted their administrative remedies. Mot. at 11. The Court disagrees. The gravamen of Plaintiffs’ complaint here is the assertion that 17 V.S.A. § 2143 applies to the BRV and requires that the board have three Republican members. Plaintiffs allege that they followed the procedure established by § 2143 (discussed in more detail below), and they attach Mr. Oetjen’s September 2025 letter to the City with their applications seeking appointment to the BRV to the Complaint as Exhibit 1. Pls.’ Compl. ¶ 17. However, Plaintiffs allege that the City improperly failed to appoint them to sit on the BRV. This is sufficient to allege standing. *See Hous. Our Seniors in Vt. Inc.*, 2024 VT 12, ¶ 13 (“To establish standing, plaintiffs must at an irreducible minimum demonstrate the

following constitutional elements: (1) injury in fact, (2) causation, and (3) redressability.” (quotation omitted).<sup>2</sup> Accordingly, the City’s Rule 12(b)(1) motion is denied.

## II. Rule 12(b)(6) Motion.

At bottom, this case involves a pure question of law: Does 17 V.S.A. § 2143, which addresses the composition of the local “board of civil authority” and provides that a major political party with fewer than three members on the board may compel the governing authority to appoint additional member(s) for purposes of election activities, apply to Burlington’s Board for Registration of Voters? Before the Court turns to this question, a brief review of the relevant statutory provisions concerning Boards of Civil Authority (“BCAs”), as well as Burlington’s system governing the conduct of elections, provides helpful context and background.

There is no single definition of a “Board of civil authority” under Vermont law. Rather, the legislature defines BCAs differently for cities, towns, and villages, and only by reference to the composition of members. For example, a city’s BCA includes “the mayor, aldermen, city clerk, and justices residing therein” if not “otherwise provided by municipal charter.” 17 V.S.A. § 2103(5). Here, Burlington’s municipal charter states that its BCA is composed of “[t]he City Council with Mayor presiding.” 24 App. V.S.A. ch. 3 § 43(a)(1) (hereinafter referred to as “City Charter § \_\_”). The Mayor and the City Councilors are all elected positions. City Charter § 3.

In addition, BCAs have many statutory duties under Vermont law. For example, the BCA hears property tax appeals and abatement requests. *See* 24 V.S.A. § 1533; 32 V.S.A. § 4404. As relevant here, BCAs perform a variety of functions relating to elections. Among other duties, the BCA “shall determine whether any person who has applied to be registered to vote meets the requirements” set forth in § 2121. 17 V.S.A. § 2146. It “shall have charge of the conduct of elections within the political subdivision for which it is elected,” *id.* § 2451(a), and a “quorum of the board of civil authority shall be available at all times when the polls are open,” *id.* § 2451(c). The members of a BCA who are present at a polling place “shall constitute a quorum for the transaction of business relating to the conduct of the election and the qualification and registration of voters at [that] polling place.” *Id.* § 2451(c).

Burlington’s charter creates a more complex system for administering elections, and assigns the typical election duties of the BCA to other boards and official positions. Burlington is divided into four electoral districts, and each district is comprised of two wards. City Charter § 2. Under the charter, each ward has designated ward officers, which consist of a clerk and three inspectors of election. *Id.* § 10. Inspectors of election are required to “be present, preside, and preserve order at all elections in their respective wards, [and] to decide all questions relative to the right of any person to vote at such election.” *Id.* § 21. In addition, inspectors of election are tasked with sorting and counting the ballots and publicly announcing the results. *Id.* Ward clerks and inspectors of election are chosen by the legal voters of each ward during the annual

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<sup>2</sup> The Court notes that mandamus review is available under Rule 75 so long as the act or refusal to act was by a political subdivision of the state and review would have been available under the extraordinary writ of mandamus prior to the enactment of Rule 75. *Rheaume v. Pallito*, 2011 VT 72, ¶ 5, 190 Vt. 245.

City election. *Id.* § 10(b)(1). A ward’s three inspectors of election “may not be members of the same political party.” *Id.* § 10(a)(1). If they are from the same party, “the City Council shall forthwith appoint an inspector who shall serve instead of the candidate who received the third largest number of votes.” *Id.*

In addition to ward officers and inspectors of election, Burlington created the BRV to prepare checklists of voters for use in annual or special elections. *Id.* § 43(a)(1). The BRV consists of twelve members, and no more than six members “shall at any one time be from the same political party.” *Id.* § 43(a)(1)-(2). Members of the BRV serve five-year terms, and vacancies are appointed by the City’s BCA. *Id.* § 43(b). Before any such election, “it shall be the duty of the [BRV] to prepare full and complete lists of the voters in the respective wards or City districts of said City, and to certify the same to the Chief Administrative Officer.” *Id.* § 14. Copies of such lists are publicly posted in advance of the election. *Id.* The BRV must specify a time and place when it will meet to make additions to the list of voters, or alterations or corrections to the list. *Id.* § 15. True copies of the BRV’s final checklists are delivered to the inspectors of election in the various wards, and “no person whose name is not on such lists shall be allowed to vote at any such election.” *Id.* § 18.

“When interpreting statutes, the bedrock rule of statutory construction is to determine and give effect to the intent of the Legislature.” *Delta Psi Fraternity v. City of Burlington*, 2008 VT 129, ¶ 7, 185 Vt. 129 (quotation omitted). Courts “look at the language of the statute itself” and “presume the Legislature intended the plain, ordinary meaning of that statute.” *Benson v. MVP Health Plan, Inc.*, 2009 VT 57, ¶ 4, 186 Vt. 97 (quotation omitted). “If the legislative intent is not clear on the face of the statute, Vermont courts construe the statute ‘in light of the entire statutory scheme,’ looking to ‘the statute’s purpose, effects, and consequences.’” *Vinson v. Clark*, No. 2:22-cv-00020, 2024 WL 4108524, at \*16 (D. Vt. Sept. 6, 2024) (quoting *Estate of Daniels by & through Lyford v. Goss*, 2022 VT 2, ¶ 11, 216 Vt. 161). Moreover, “[i]n construing statutes to give effect to legislative intent, [courts] seek to harmonize statutes and not find conflict if possible.” *Billewicz v. Town of Fair Haven*, 2021 VT 20, ¶ 22, 214 Vt. 511 (quotation omitted).

The statutory provision at the heart of this case is 17 V.S.A. § 2143, which states:

(a) If the board of civil authority of any political subdivision does not contain at least three members of each major political party and the party committee or at least three voters request increased representation for an underrepresented major political party by filing a written request with the clerk of the political subdivision, the legislative body shall appoint from a list of names submitted to it by the underrepresented party a sufficient number of voters to the board of civil authority to bring the underrepresented major party’s membership on the board to three. A person’s name shall not be submitted unless he or she consents to serve if appointed.

(b) The persons so appointed shall have the same duties and authority with respect to elections as have other members of the board, but those persons shall have no

authority with respect to functions of the board of civil authority that are not related to elections.

Under the plain language of the statute, it applies to *the* BCA of “any political subdivision,” which includes cities, towns, and villages. Plaintiffs contend that the BRV is Burlington’s BCA with respect to election-related matters and that § 2143 requires the BRV to include at least three members of the Republican Party. Opp. at 1. The City does not dispute that the Republican Party is a major political party, but it argues that § 2143 does not apply to the BRV because that section applies only to BCAs, and the BRV is not the City’s BCA. Mot. at 2. Thus, the question for the Court to answer is whether the BRV is Burlington’s BCA for purposes of § 2143. The Court concludes it is not.

Plaintiffs gloss over this question with little analysis, asserting simply that the City is subject to and must comply with state law. But this simply begs the question as to what Vermont law requires. As discussed above, Burlington created the BRV under its charter to perform the BCA’s discrete, election-related task of compiling voter checklists. Its members are appointed by the BCA. In addition, Burlington has assigned other election-related responsibilities to ward clerks and inspectors of election, who are selected by the legal voters of each ward. Burlington’s BCA retains control over and exercises any other duties regarding elections. City Charter § 43(a)(1). Thus, the BRV is not “the BCA” for the City; it is a separate and distinct entity.<sup>3</sup>

Plaintiffs do not argue that Burlington lacked the authority to create a separate BRV in its charter. “Municipalities in Vermont are ‘created by the Legislature pursuant to express authority conferred by the Constitution’ and their powers are ‘expressly delegated to them by legislative enactment’ such that they have ‘no rights outside the limits of legislative control.’” *Ferry v. City of Montpelier*, 2023 VT 4, ¶ 45, 217 Vt. 450 (quoting *Town of Bennington v. Park*, 50 Vt. 178, 202 (1877)). The legislature is constitutionally empowered to “grant charters of incorporation, . . . [and] constitute towns, boroughs, cities and counties.” Vt. Const. ch. II, § 6. Under Dillon’s Rule, “the power of [a] municipality is limited to what has been granted [to it] by the state.” *City of Montpelier v. Barnett*, 2012 VT 32, ¶ 20, 191 Vt. 441. Here, Burlington’s city charter, together with its amendments, has been approved by the Legislature, and therefore it “has the force and effect of a statute as it applies to the specified municipality.” *Handverger v. City of Winooski*, 2011 VT 130, ¶ 9, 191 Vt. 556 (citation omitted). The Court presumes that if the Legislature believed that Burlington’s creation of the BRV was impermissible or conflicted with § 2143, it would not have granted its approval. See *In re O.R.G.*, 2026 VT 6, ¶ 15 (“We must presume that all language is inserted in a statute advisedly.” (quotation omitted)); *Gallipo v. City of Rutland*, 173 Vt. 223, 235, 789 A.2d 942, 951-52 (2001) (explaining that a court should “harmonize statutes and not find conflict if possible,” and “should not construe statutes to reach unreasonable results manifestly unintended by the legislature”); 82 C.J.S. Statutes § 363 (Apr. 2026 update) (“Courts presume that the legislature knew the law as it existed when it passed a

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<sup>3</sup> Burlington has done something similar in other contexts, such as creating separate Boards of Tax Appeals and Abatement of Taxes to exercise the BCA’s duties in those areas. See City Charter § 42 (providing that the “Mayor, City Council, and assessors shall constitute a Board for the Abatement of Taxes”), § 92(a) (“The Board of Tax Appeals shall meet, hear, and determine all appeals in the manner set forth in this section, notwithstanding 32 V.S.A. § 4404.”).

statute and that the legislature intended the statute to be harmonious and consistent with the existing body of law.”).<sup>4</sup>

Accordingly, because the BRV is not Burlington’s BCA, there is no conflict between 17 V.S.A. § 2143 and City Charter § 43, nor any need to resort to tools of statutory construction. *See In re Porter*, 2012 VT 97, ¶ 10, 192 Vt. 601 (stating that, where the meaning of a statute “is clear, we enforce the statute according to its terms without resort to statutory construction”). However, if there were a conflict between the two laws, Burlington’s “more specific city charter [would] control.” *Looker v. City of Rutland*, 144 Vt. 344, 347, 476 A.2d 141, 143 (1984). In *Looker*, the Vermont Supreme Court held that the Rutland Board of Aldermen lacked the authority to issue a condemnation order, “because the city charter gives that authority to a Board of Highway Commissioners.” *Id.* at 344, 476 A.2d at 142. The Court applied the “established rule of statutory construction . . . that when two statutes deal with the same subject matter, and one is general and the other specific, the more specific statute must be given effect unless the legislature intended the general to control.” *Id.* at 346, 476 A.2d at 143 (citation omitted). The Court found that

19 V.S.A. § 292, giving selectmen the authority to alter highways, is the more general legislative provision. In granting to a Board of Highway Commissioners in Rutland the ‘same power’ to alter highways ‘as is vested by law in selectmen,’ the legislature clearly intended the more specific city charter to control over the more general statute.

*Id.* at 347, 476 A.2d at 143. Similarly, here, the more specific provision of the City’s charter establishing the BRV to exercise responsibility for voter checklists and providing for the political composition of the board’s members controls over the more general statutory provision of 17 V.S.A. § 2143. *See also Town of Brattleboro v. Garfield*, 2006 VT 56, ¶ 10, 180 Vt. 90 (resolving conflict between city charter and general statute concerning filling municipal vacancies, and concluding “that the charter prevails because it is more specific to the Town of Brattleboro than 24 V.S.A. § 963”).<sup>5</sup>

In sum, the Court concludes that 17 V.S.A. § 2143 does not apply to Burlington’s BRV, and therefore, no requirement exists that there be a minimum of three members from each major political party appointed to the BRV. Accordingly, Plaintiffs’ claim fails as a matter of law, and the City’s Rule 12(b)(6) motion is granted.

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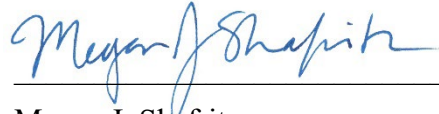
<sup>4</sup> Plaintiffs rely heavily on Burlington’s 2021 decision to appoint two Republicans to the BRV upon request by the Republican party after invoking § 2143. However, statutory construction is an issue of law for the Court. Thus, the fact that the City previously voluntarily agreed to the type of relief Plaintiffs are now seeking is not binding on the Court, nor particularly relevant.

<sup>5</sup> Leaving Plaintiffs’ nod to Shakespeare aside, the argument that *Looker* is merely about semantics and therefore supports Plaintiffs’ position is without merit. *See Opp.* at 8-9.

Order

For the foregoing reasons, Defendant City of Burlington's Motion to Dismiss pursuant to Rule 12(b)(6) (Mot. #1) is GRANTED.

Electronically signed on May 20, 2026 at 11:38 AM pursuant to V.R.E.F. 9(d).



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Megan J. Shafritz  
Superior Court Judge



**BURLINGTON BOARD FOR REGISTRATION OF VOTERS  
POLICE DEPARTMENT COMMUNITY ROOM, 1 NORTH AVE, BURLINGTON, VT, 05401  
OR REMOTELY VIA ZOOM.**

**MINUTES OF  
MEETING  
May 5, 2026**

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**1. Call Meeting to Order**

*Members in attendance:* Annie Schneider, Alison Harte, Karen Rowell, Colleen Montgomery, Michelle Lefkowitz, Janet Stambolian, Jeanne Keller, Grace Grundhauser, Kevin Lewis, Lauren Ebersol, Lesley Gendron, Adam Franz, Youth Member Will Cunningham

*Also present:* Sarah Montgomery, Assistant City Clerk

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**1. Agenda**

Karen Rowell made a motion to adopt the agenda. Seconded by Kevin Lewis. Passed unanimously.

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**2. Announcements**

Annie Schneider said she would be unable to work on Election Day in August.

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**3. Meeting Length**

The meeting was set to end at 7:00.

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**4. Adopt Minutes**

Jeanne Keller made a motion to adopt the minutes. Seconded by Colleen Montgomery. Passed unanimously.

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**5. Public Forum**

Jill Lesh from the VT League of Women Voters said she was joining to observe.

Melo Grant spoke about the meeting location, stating that when she was on the Police Commission they had heard from community members about not feeling comfortable meeting at the Police station. She suggested the board consider an alternate meeting location.

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**6. Clerk's Report**

Sarah Montgomery reported 29,603 currently registered voters. Out of that total number, 6,548

are challenged. In April, there were 123 new registrations, 29 voters were removed from the checklist, and 108 voters were transferred to other Vermont towns.

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### **7. Approval of Voter Challenges**

The board reviewed the proposed challenge list, which contained 26 voters. Lesley Gendron made a motion to approve. Seconded by Annie Schneider. Approved unanimously.

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### **8. Political Composition of the Board and Litigation Status**

Prior to the meeting, Grace Grundhauser shared a brief comment from the City attorney's office with the board via email, which gave a status update on the pending litigation against the City regarding the composition of the BRV. The statement explained that litigation is still pending and the court will make a ruling, which will determine the correct interpretation of the city charter.

Will Cunningham offered to share a summary of the two sides of the litigation.

Jeanne Keller questioned whether it was appropriate to have this discussion since the litigation is still pending, and the ruling will be coming from the court through the City Council to this board. She added that she doesn't think it is the role of board members to be interpreting the litigation, or trying to influence each other's opinions.

Karen Rowell said she finds it disheartening that the City is fighting to keep Republicans off of the board.

Jeanne Keller made a motion to table the discussion about the litigation. Seconded by Janet Stambolian. Vote called.

Yes: Janet Stambolian, Jeanne Keller, Michelle Lefkowitz

No: Kevin Lewis, Lesley Gendron, Lauren Ebersol, Karen Rowell, Alison Harte, Annie Schneider

Abstain: Grace Grundhauser, Colleen Montgomery, Adam Franz

Motion to table failed.

Will Cunningham clarified that his intent was just to be informative since this case does pertain to the board, not to try to persuade one way or the other.

Lauren Ebersol asked if the attorney's office expected a ruling to happen prior to the appointments. Grace Grundhauser answered that it is unclear when the ruling will come out.

Jeanne Keller commented that it seems like depending on how the judge rules, the situation could be rectified in favor of the ruling.

Alison Harte suggested that Will could share the summary via email, and board members could

read it for their information.

Annie Schneider supported allowing Will to speak.

Lauren Ebersol noted that it is important to understand the situation since it will have ramifications on the board, especially in advance of the August election.

Will Cunningham summarized the litigation, explaining the City's defense, and well as the argument of the plaintiffs.

Annie Schneider asked what would happen if the current two members, who are currently serving as chair and vice-chair, are not reappointed. She noted that this would mean a loss of a significant amount of institutional knowledge. Grace Grundhauser noted that she is likely not reapplying.

Annie Schneider suggested moving onto the next agenda item.

Councilor Melo Grant noted that it was important to have qualified candidates who will support voters' rights, regardless of their political party. Members called for a point of order since this portion of the meeting was not open to members of the public.

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## **9. Communication to City Council re: Board Member Appointments**

Kevin Lewis had drafted a communication to City Council after conversations last meeting, which Grace shared with the board via email prior to the meeting.

Karen Rowell appreciated the draft communication and commented on how well written and thoughtful it is. She suggested adding a statistic that indicates how many Burlington residents voted for a Republican in a recent election, to show the political representation of Burlington voters.

Kevin Lewis responded that the communication was drafted with the spirit of collaboration. He would hesitate to add language that would encourage them to consider specific parties.

Lauren Ebersol said she thinks it could be helpful to highlight the tri-partisan representation of the state, rather than explicitly listing percentages, since there is no party registration in VT.

Jeanne Keller noted that she felt adding a statistic would make it feel like the board was giving the City Council a quota to fill, and thinks the language would make it seem like the board was supporting one side of the litigation.

Karen Rowell said she was interested in adding that language due to the make-up and attitude of the council, but is open to it moving forward without that specific language. She would like collaboration, but feels like with the current make-up of the board, her perspective is often dismissed. She said that having only one Republican on the board does not represent the make-up of the city.

Janet Stambolian stated the City Councilors are aware of the existing issues, so the intent of the

communication should be clear without adding in specifics.

Will Cunningham asked what members thought of Lauren's compromise, which was to exclude specific data, but including an acknowledgement that Burlington residents are represented at multiple levels of government by tri-partisan government.

Colleen Montgomery noted that there are four parties in Vermont. She disagreed with adding the specific percentages or language speaking to the specific parties and supported the document as drafted.

Annie Schneider said she appreciated the letter, but is unsure if there will be any impact in sending it.

Alison Harte said the letter was fair and well written. She asked if the intent was for the board to make a motion to send the letter tonight, or at the next meeting.

Adam Franz suggested adopting the letter as drafted. He noted that he disagrees with a lot of what Republicans are trying to do with voting, but does agree that he would be uncomfortable with being the only person of his party on the board.

Lauren Ebersol made a motion to extend the meeting by 10 minutes. Seconded by Colleen Montgomery. Passed unanimously.

Jeanne Keller said she would vote against sending the letter to the City Council. She noted that it is valid to discuss this among the board, but is wary of sending this communication and it being published on the news, further exacerbating the situation.

Janet Stambolian said the board does represent different parties, but they are also meant to represent all of the residents in Burlington. Due to this she does not feel like it is the role of the board to step into a political role.

Grace Grundhauser noted that the board members are not elected officials, they are appointed, so they are chosen by the city councilors, rather than the voters.

Alison Harte said she does not see the communication as political, or as telling the City Council how to do their job. The communication is asking for a fair and unbiased appointment process. She asked if it might make sense to have members who agree with the letter sign it individually, rather than it coming from the whole board, if the whole board does not support it.

Colleen Montgomery said the letter would not have been written if the board did not have an issue with how the appointments are made.

Kevin Lewis added that he suggested this letter after hearing Karen's perspective, but also due to the partisan process he went through when he was appointed. He said that if a councilor feels criticized by the letter, it could be an opportunity for them to reflect on the process. He noted that the letter highlights cooperation and transparency.

Annie Schneider said that the partisan appointment process is how appointments are, and have

always been, made. If that is the issue the board is trying to address, that is what should be explicitly said in the letter.

Lauren Ebersol said the board is appointed with their parties listed, so in part at least, it is by nature a partisan process.

Karen Rowell noted that the City is fighting against having Republicans on the board, and thinks the letter would help by sending a strong message.

Jeanne Keller said that Karen's comments prove how the letter is going to be used in order to advise the Council to add Republicans to the board. She said this letter should not be sent since it is not appropriate for the board to take a stance on the pending litigation.

Alison Hart suggested tabling the discussion due to the time.

Colleen Montgomery made a motion to extend the meeting. Seconded by Annie Schneider. Vote called.

Yes: Annie Schneider, Karen Rowell, Lauren Ebersol, Colleen Montgomery, Lesley Gendron

No: Janet Stambolian, Alison Harte, Michelle Lefkowitz, Jeanne Keller, Adam Franz

Abstain: Grace Grundhauser, Kevin Lewis

Motion failed.

**Meeting adjourned at 7:15pm**

May 27, 2026

TO: Burlington Board for Registration of Voters

FROM: Jeanne Keller, BRV Member

RE: Communications with City Council Regarding Appointments to BRV

As I will be away and unavailable to attend the June 2 meeting of the BRV, I take this opportunity to express my opposition to the BRV sending any communication whatsoever to the Burlington City Council regarding appointments to the BRV.

While I sympathize with the experiences our recent appointees had with the City Council process, I think the peculiar and particular context of the BRV appointments, due to the pending lawsuit, make it entirely inappropriate for the BRV to give counsel, to exhort, or to attempt to influence in any way the City Council appointments process for the BRV this year.

- Please recall that the City Attorney's office would not even send a representative to speak with us about the appointments process, due to the lawsuit. Any communications the City Attorney would have with the City Council about BRV appointments would likely be in Executive Session as well. This is a signal to me that any attempt by us to influence the appointments, during the pendency of the lawsuit, is inappropriate.
- As we learned in our discussion at the May BRV meeting, regardless of what each of us may intend by supporting a resolution asking for less "horse-trading", and regardless of the actual language of the resolution, one side or the other of the lawsuit can and will use our vote to proclaim BRV support for their side of the lawsuit. I don't believe we should put ourselves in the position of being cast (or used) by any of the parties involved in the suit, as siding with one side or the other of a lawsuit. It is up to the judicial system to determine the case, not us, and indeed, not the City Council.
- A BRV communication to the Council will certainly become fodder for press coverage, and not for the reason that BRV members may have intended. This will, I predict, make the process more, not less, partisan, as a result.

Thank you for your service to the City of Burlington.