

## **Petitioning Your Local Government to Place Articles on the Warning for the Annual Town or A Special Meeting or for Reconsideration of an Article**

If you or a group of citizens want to have a particular issue voted on at your annual town meeting or a special meeting, you can ask the Legislative Body (Selectboard or School Board) to place the article on the warning on the board's own motion. If the board decides not to add the suggested article to the warning, you can circulate a petition and submit it to the Legislative Body to force the board to include certain types of articles on the warning. The information presented here is from the Vermont Statutes. It is possible for a town to have a governance charter provision that changes the general rule or which grants the boards additional authority. For this reason, please check with your Town or City Clerk before proceeding with a petition.

### **Petitions for Town Meeting**

The petition must contain signatures of 5% of the voters requesting placement of articles on the warning for the Annual Meeting and must be received by the Selectboard or the School Board at least 40 days prior to Town Meeting. 17 V.S.A. §2642(a).

- Although the law requires that petitions be received 40 days before the meeting, most Selectboards and School Boards like to post their full warning as soon as possible (40 days before the meeting), so it would be most courteous and a best practice to deliver your petition to the Town Clerk before the last Selectboard or School Board meeting that will occur before the 40<sup>th</sup> day before the town meeting. Call your Town Clerk and they can advise you of the best time to file.

### **Binding Articles:**

- All articles involving issues that Vermont law states the voters or electorate are capable of deciding and binding the town, must be placed on the warning by the Selectboard. Examples of binding articles include increasing the size of the Selectboard or School

board, zoning bylaws, establishing special reserve funds, funding approval for particular equipment or improvements. All of these categories of articles are specifically mentioned in the Vermont statutes as being for the electorate or voters to decide by vote.

- Please note, that petitions to place an article for a bonding proposal on the warning for Town Meeting requires signatures of TEN (10%) of the legal voters, not the usual 5% for a petition. 24 V.S.A. §1755(a). The bonding statute also provides very specific information including the object and purpose of the indebtedness, the estimated cost of the improvements, the amount of bonds to be issued, and the specific form of the question in the Article. 24 V.S.A. §1755 and 1758.

- **Sample Petition to Request a Binding Article For an Annual or Special Meeting:**

Petition of Legal Voters of \_\_\_\_\_ to the Legislative Body (Selectboard or School Board)

The undersigned legal voters of the Town of \_\_\_\_\_ hereby petition the Selectboard /or/ School Board to add the following article to the warning for Town Meeting to be held on Tuesday, March 5, 2002 (or the actual date of your town meeting):

1. Shall the Town of \_\_\_\_\_ vote to establish a highway equipment reserve fund and place \$25,000 in the fund in FY 2003 to start the reserve fund?

**Non-Binding Articles:**

- The board must warn most "advisory" or non-binding articles on the warning that are properly petitioned.
- **Sample Petition Language to Request an Advisory Article**

Petition of Legal Voters of \_\_\_\_\_ to the Selectboard

The undersigned registered voters of the Town of \_\_\_\_\_ hereby petition the Selectboard to add the following advisory article to the Town Meeting Warning:

1. Shall the Town of \_\_\_\_\_ vote to advise the Selectboard that any harvesting of timber on town lands be subject to the following conditions?

A. Timber harvesting shall be conducted in accordance with a comprehensive forest management plan

approved by the voters.

B. Timber sales shall be managed by an independent, third party professional forester, and not by any employee or subcontractor of any potential buyer.

C. Standing timber proposed for sale shall be marked by the independent forester in advance and advertised for public bid in local newspapers and three locations within the town, including the town clerk's office.

The undersigned respectfully request that the article be acted upon by all voters of the town by paper ballot. (The Selectboard does not have to follow this request, but if the Selectboard places the article on the warning, any seven voters at the meeting may request the use of paper ballot.)

• **Another Sample of a Petition to Request an Advisory Article:**

Petition of Legal Voters of \_\_\_\_\_ to the School Board

The undersigned registered voters of the Town School District of \_\_\_\_\_ hereby petition the Selectboard to add the following advisory article to the warning for the Annual Town Meeting:

1. Shall the \_\_\_\_\_ Town School District vote to advise the School Board to send a message to our state legislators that they should not enact any education mandates unless the mandates are fully funded by the State of Vermont?

**Frivolous or Illegal Articles:** Any proposed articles that involve action that is specifically delegated in the Vermont statutes to the Legislative body, (i.e. Selectboard or School board) or to any other town board or official should be rejected by the Legislative body and not placed on the warning. The chair should explain to the petitioners that state law gives the particular duty or responsibility for taking action to a specific individual or board and that the town voters cannot change that statutory mandate. Examples of illegal articles include an article to direct the selectboard to fire the zoning administrator (statute reserves this power to the selectboard), or an article to approve a local ordinance (statute reserves promulgation of ordinances to the selectboard, electorate can only petition to disapprove an ordinance within 60 days of its adoption.)

**Voting on Petitioned Articles**

All articles that are placed on the warning are divided into three categories by Vermont statutes. Articles are either:

- Election of officers
- Budget or Money Articles
- Public Questions

Traditionally , the voters of all town or cities, unless a governance charter specifies otherwise, vote all articles "on the floor" at town meeting, although some officers must be elected by paper ballots at the traditional town meeting.

However, as of 2002 many towns and town school districts have had votes of the electorate at prior town meeting in which it was decided to vote certain types of articles by "Australian Ballot." Australian ballot is the form of balloting where the polls open sometime between 5:00 a.m. and 10:00 a.m. as established by your local board of authority and close at 7:00 p.m. with each voter casting his votes on a preprinted ballot that is either counted by hand by election officials in 176 towns or by optic scanning vote tabulating machines in 70 towns.

In order for an article to be placed on an Australian ballot, the electorate in your town must have already voted to decide either the election of officers by Australian ballot, all budget or money articles by Australian ballot, or all public questions, or a specific public question by Australian ballot. **You cannot request that an article be considered by Australian ballot for the first time in a petition requesting that article to be placed on the warning.** There must have been a prior vote by the electorate approving the use of Australian ballots for that category of articles, or you must first petition for a vote to decide the question by Australian ballot at one meeting, and then petition for the actual article that you want to have decided by Australian ballot at a subsequent meeting.

### **Requests for Reconsideration of an Article**

- Whether an article is voted on the floor or by Australian ballot, any voter who does not like the outcome of the vote on an article may file a petition containing signatures of 5% of the legal voters of the town with the Legislative Body within 30 days of the vote, asking for reconsideration of the article at a special town meeting. 17 V.S.A. § 2661. The selectboard or school board must set a special meeting to reconsider the article within sixty days of receiving the petition.
- Voters can only force the reconsideration of an article by petition once within a period of one year from the first vote. However, the Legislative body (Selectboard or School board) can call a special meeting to reconsider any article except bonding proposals as many times as the board desires. Bond proposal articles can only be submitted to the voters twice within twelve months.

- **Sample Language for Petition for Reconsideration:**

We the undersigned legal voters of the Town of \_\_\_\_\_ hereby request that the Legislative Body (Selectboard or School board) call a special meeting to have the voters reconsider the following article(s):

"Article 1. Shall the Town of \_\_\_\_\_," *then restate the article exactly as it was stated in the original warning.*

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