

In a 'rural town', where the law requires voters to approve or disapprove a bylaw or amended bylaw by Australian ballot, must a public informational hearing be held within 10 days of the vote?

No. Although as a general rule, it is true that a public informational meeting *must be held* within the 10 days prior to an Australian ballot vote on a public question, this requirement does not apply to bylaw adoption by rural towns. The simple reason is that under 24 V.S.A. Chapter 117, § 4404(d) (bylaw adoption in rural towns), the law *requires* the voters to use the Australian ballot system. In contrast, under the general Australian ballot laws in 17 V.S.A., the voters themselves must first vote to use the Australian ballot system in voting public questions (or other matters, such as the budget). In this case, an informational hearing is required as a precursor to the vote. To wit, “[W]henever a municipality **has voted** to adopt the Australian ballot system of voting on any public question..., the legislative body shall hold a public information hearing on the question...” (emphasis added). 17 V.S.A. § 2680(g).

The intent of the Australian ballot public informational hearing is plain. It is to provide the voters with an opportunity they otherwise would not get to gain information and to ask questions about the issue to be decided. There is no real harm done by not applying the informational hearing requirements to bylaw adoption, since the relevant law (24 V.S.A. Chapter 117, § 4403 et seq.) sets forth a detailed public hearing process before both the planning commission and the selectboard.

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