

***Which town officers must be elected using the Australian ballot system?***

None of the town officers enumerated in the local election statute must be elected by Australian ballot. Although the phrase “by ballot” is found in the relevant statute for some of the town officers, the term implies ‘paper’ ballot, not the more formal Australian ballot process of voting. Further, the [paper] ballot requirement applies *only* to the following officers: selectboard members, listers, auditors, and, if the town elects to do so, water commissioners and road commissioners. (Otherwise, water and road commissioners are appointed by the selectboard.) 17 V.S.A. § 2646.

Vermont law specifies under what conditions the provisions of the Australian ballot process for voting apply. 17 V.S.A. § 2680. Generally, it *does not* apply unless specifically required by a statute or municipal governance charter OR if the voters have decided to use it for certain items of town business. Examples of votes that must, by statute, be done by Australian ballot include:

- authorizing the selectboard to appoint (vs. election) the town constable (17 V.S.A. § 2651a);
- adopting zoning bylaws or amendments in a ‘rural’ town (24 V.S.A. § 4404(d)); and
- issuing municipal bonds for public improvements or capital assets (24 V.S.A. §1758).

Examples of areas in which voters may decide to use the Australian ballot include:

- electing all town officers (17 V.S.A. § 2680(b));
- approving the budget or other money questions (17 V.S.A. § 2680(c)); and
- acting on other public questions (17 V.S.A. § 2680(c )) (for example, establishing a specific reserve fund, 24 V.S.A. § 2804).

Thus, if the voters have never voted to use the Australian ballot system to elect their town officers, approve the budget or decide other money or public questions, absent a municipal governance charter provision, your town should not be voting by Australian ballot.

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