

Do we have to hold a public informational meeting for any and all articles to be voted by Australian Ballot?

Australian ballot is used because it is mandated by statute or because the town has voted to use it for certain matters. *The requirement for a hearing varies depending on the situation.* Below is a brief round-up of instances when municipalities may vote to use Australian ballot or when the use of Australian ballot is mandated by state law.

First of all, if the municipality has chosen to vote **public questions and/or budget articles** by Australian ballot, the legislative body must hold a public informational meeting on the question or questions sometime within the 10 days prior to the vote. 17 V.S.A. § 2680 (g).

The **adoption of governance charter amendments** shall be made by Australian ballot and two public hearings must be held prior to the vote. 17 V.S.A. § 2645 (a) (3 & 7).

The **decision to appoint rather than elect constables** is by Australian ballot and no public informational hearing is required. 17 V.S.A. § 2651a.

Bond votes must be done by Australian ballot. 24 V.S.A. § 1758. There is a statutory mandate that a school district holding a bond vote must hold a public informational meeting and must distribute certain written information to the attendees. 24 V.S.A. § 1758 (c). For some reason there is not a requirement for an informational meeting if the town is conducting a bond vote. (That does not mean that the town cannot hold such an informational meeting! And holding such a meeting may be well advised.)

Union school districts must follow the same procedure as town school districts when issuing bonds, so they must comply with 24 V.S.A. §§ 1751-1785. 16 V.S.A. § 711d.

Union schools must also vote bond issues under the provisions of 24 V.S.A. §§ 1751-1785. 16 V.S.A. § 706w.

Routine adoption of zoning bylaws in rural towns is done by Australian ballot “after the final public hearing.” 24 V.S.A. § 4404 (d). The hearings and notice for the hearings must meet the requirements of 24 V.S.A. §§ 4404 and 4447.

For zoning purposes, a “rural town” is a town with a population of less than 2,500 (as of the last census) or a town with a population of at least 2,500 but less than 5,000 which has voted by Australian ballot to be a rural town. 24 V.S.A. § 4403 (10). There is no statutory mention of a hearing but, again, a hearing is advisable.

Although **routine adoption of zoning bylaws in urban municipalities** is done by the legislative body, the municipality may petition to consider a bylaw or an amendment by Australian ballot. 24 V.S.A. § 4404 (f). The usual hearings mandated by 24 V.S.A. Chapter 117 would apply.

The voters may elect to **adopt or amend the town plan** by Australian ballot. 24 V.S.A. § 4385 (c). This requires a public informational meeting under 17 V.S.A. § 2680 (g).

The question of **whether or not to have a town manager** shall be voted by Australian ballot *if* the town elects its officers by Australian ballot. 24 V.S.A. § 1243.

The vote to **enter into a union municipal district**, such as a solid waste district, must be by Australian ballot and must be preceded by at least one public hearing. The last public hearing shall be not less than five nor more than 15 days prior to the vote. 24 V.S.A. § 4863.

Municipal control over **sale of alcoholic beverages** is controlled by 7 V.S.A. Chapter 7. Although the term “Australian ballot” is not used in the chapter, the description of the ballot and the process certainly seem to be the equivalents of the Australian ballot system.

VLCT News, February 2001