

Our town meeting starts on the Saturday before the first Tuesday in March, which falls on March 2nd this year. We vote some questions by Australian ballot, and other questions by voice vote at the Saturday open meeting. Must the selectboard hold an informational meeting prior to voting on all questions, whether or not the Australian ballot system is used?

No. Informational meetings are only required when a town has voted to adopt the Australian ballot system of voting on a public question. 17 V.S.A. § 2680(g). The informational hearing on public questions, other than a budget revote, must be held within 10 days of the meeting at which the voting is taking place (e.g., March 2nd). This means that the informational hearing can be held at the Saturday open meeting. Public notice of the hearing must be posted in two public places and in the clerk's office at least 10 days in advance of the hearing.

In the case of budget revotes, informational hearings must be held at least five days following the public notice of the revote.

In some cases, the law necessitates voting by Australian ballot, such as when issuing bonds (24 V.S.A. § 1758) or acting on municipal charter amendments (17 V.S.A. § 2645). In other instances, using the Australian ballot system is optional, for example, when voting on union school budgets (16 V.S.A. § 711e) and adopting the town plan (24 V.S.A. § 4385). The informational hearing requirements for charter amendments are different from § 2680(g) and require the selectboard to hold at least two public hearings prior to the vote, the first at least 30 days before the annual or special meeting. 17 V.S.A. § 2645(a)(3).

The general rule with regard to using the Australian ballot system is that unless specifically required by statute, it *should not be* used at an annual or special town meeting unless the town has elected to use it. To change to the Australian ballot system for electing officers, voting on budgets, or deciding public questions, an article asking the voters to change to the Australian ballot system for one or more of those purposes must be placed on the warning as directed in 17 V.S.A. § 2680. The board can choose to place an article on the warning or, at least forty days before the annual meeting, citizens can submit a petition with signatures of 5% of the checklist to request the article. 17 V.S.A. § 2642. If the article to change to Australian ballot passes, the town or district will begin using the Australian ballot at its next special or annual meeting and continue to use Australian ballot until the town or district votes to discontinue its use. If your town meeting commences prior to the actual vote by Australian ballot, the informational meeting may be held simultaneously with the open meeting preceding the vote, subject to the applicable notice procedures.

- Gail Lawson, Associate, Legal and Membership Services

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