

What are the notice and warnings requirements for a petition calling for a special meeting to disapprove an ordinance or rule?

This is one of the VLCT Municipal Assistance Center's most frequently asked questions. Please note that the warning and notice requirements for this type of special meeting are different from those for addressing other matters proper before the voters. See 17 V.S.A. § 2641.

If your legislative body receives a valid petition (signed by not less than five percent of the qualified voters of the municipality and received within 44 days following the date of adoption of a rule or ordinance), a special meeting must be called within 60 days of its receipt (or an article included in the warning for the next annual meeting if it falls within that 60-day period) to determine whether the voters will "disapprove" the rule or ordinance. 24 V.S.A. § 1973(b) (c). We will only address the calling of a special meeting for the purpose of this article.

Voting would be in the traditional, open-type town meeting, unless the municipality has voted to use the Australian ballot system for public questions. In either event, two copies of the ordinance or rule must be posted at each polling place during the hours of voting and copies must also be made available at the polls upon request. If Australian ballot is used, there is no need to reprint the entire ordinance or rule on the ballot; a warning (and ballot) asking "Shall the voters of [name of municipality] disapprove the proposed [name] ordinance?" would suffice.

The warning for the meeting must include the date, time, and location of the meeting, be signed by a majority of the legislative body, filed with the clerk, and recorded with the date and time received noted upon it prior to its posting. It must be posted in at least two public places in the municipality and in or near the town clerk's office at least 30 but not more than 40 days prior to the meeting. The warning must also be published in a newspaper of general circulation unless otherwise distributed to the voters 10 days prior to the meeting. The posted notice accompanying the warning must include information about voter registration, absentee voting, and other appropriate information. If the municipality votes public questions from the floor, then information applicable only to Australian ballot voting need not be included.

- *Garrett Baxter, Senior Associate, Municipal Assistance Center*
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