

***When do we have to hold a public informational meeting for articles to be voted on by Australian ballot?***

The requirement for a public informational hearing in conjunction with an Australian ballot vote depends on the subject of the article to be voted on. Below is a review of instances when municipalities may vote to use Australian ballot or when the use of Australian ballot is required by state law, and the hearing requirements for each.

A municipality may choose to use Australian ballot voting for public questions, budget votes, and officer elections. 17 V.S.A. § 2680. If a municipality has chosen to vote public questions or budget articles by Australian ballot, the legislative body must hold a public informational meeting on them sometime within the 10 days prior to the vote. 17 V.S.A. § 2680(g). There is no public informational meeting or hearing requirement for officer elections. 17 V.S.A. § 2680(b).

Governance charter amendments must be made by Australian ballot and two public hearings must be held prior to the vote. 17 V.S.A. § 2645 (a) (3), (7). Likewise, municipal mergers require an Australian ballot vote and two public hearings must be held in each of the areas involved in the merger. 24 V.S.A. §§ 1484, 1485(c). The vote to enter into a union municipal district, such as a solid waste district, must also be by Australian ballot and must be preceded by at least one public hearing. 24 V.S.A. § 4863.

Bond votes must be done by Australian ballot. 24 V.S.A. § 1758. While there is a requirement that a school district hold a public informational meeting in conjunction with a bond vote, there is no requirement for an informational meeting if the town is conducting a bond vote. Nevertheless, holding such a meeting would be well advised for towns considering bonding. The approval of borrowing for public improvements or the acquisition of capital assets must be obtained by Australian ballot if the term is more than five years. 24 V.S.A. § 1786a(c). Like bonding, there is no statutory requirement for an informational hearing, but holding one is advised.

A municipality can elect to adopt or amend a municipal plan by Australian ballot. 24 V.S.A. § 4385(c). The requirements for hearings held by the planning commission and legislative body are described in 24 V.S.A. §§ 4384 and 4385. In a rural town, the legislative body or the voters may require that a zoning bylaw be adopted by Australian ballot. 24 V.S.A. § 4442(c)(2). A rural town is a town having a population less than 2,500 persons or a town having between 2,500 and 5,000 that has chosen to be considered a rural town. 24 V.S.A. § 4303(25). The hearing requirements for zoning bylaw adoption are described in 24 V.S.A. §§ 4441 and 4442.

The decision to appoint rather than elect a constable is by Australian ballot, but no public informational hearing is required. 17 V.S.A. § 2651a(a). The question of whether or not to have a town manager must also be voted by Australian ballot if the town elects its officers by Australian ballot. 24 V.S.A. § 1243.

*(Updated from the February 2001 VLCT News by Jim Barlow, Senior Attorney, VLCT Municipal Assistance Center)*