

ASK THE LEAGUE, JANUARY 2016

What is this year's (2016) deadline for submission of voter backed petitions for the annual town warning?

Given a recent change in the law, there are now potentially two deadlines. As in past years, there is still just one primary deadline by which voters must submit their petitions for articles to be included on the town meeting warning. "The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than 47 days before the day of the meeting." 17 V.S.A. § 2642(a)(3)(A). In 2016, that primary deadline is January 14th.

Beginning in 2016 and thereafter, a supplementary deadline may come into play if a petition lacks certain information. If a valid petition for addition of an article(s) for the annual town meeting is received by January 14th, town clerks must review the petition to ensure that it includes (1) the signatures of the number of people that equal five percent of the total registered voters of the town; (2) the petition language on each page on which signatures are collected; *and* (3) the printed name, signature, and street address of each voter who signed the petition. If the petition meets all of these requirements, then the article must be included on the warning for the annual town meeting if it is an otherwise valid article (For more information about what constitutes a "valid" article, please see "Supreme Court Affirms Legislative Body's Discretion to Warn Advisory Articles" which is archived at http://www.vlct.org/assets/Resource/LRN/2007/lrn_07_03a.pdf)

If a petition does not meet these three requirements, then the town clerk must return it to the petitioner(s) within 24 hours of its receipt stating in writing on the petition why it cannot be accepted. At that point, the petitioner has 48 hours – or until the petition deadline (January 14th), whichever is later – to file a corrected or supplementary petition.

The addition of the above three requirements to the statute signifies a departure not only in how petitions are processed but also in how signatures are to be counted.

For 2016, this means that if an incomplete petition is received on the filing deadline (January 14th) and does not meet all three legal requirements stated above, the town clerk must return it to the petitioner(s) by January 15th (24 hours after receipt by the clerk). The law then gives the petitioner(s) an additional 48 hours to file supplementary petitions correcting those errors. However, 48 hours from January 15th takes us to January 17th, which in 2016 is a Sunday. Because State law automatically extends filing deadlines that fall on a Saturday or Sunday to the following Monday, which is *not* a legal holiday, that takes us to Monday, January 18th. "If the last day for filing petitions, consent forms, or other documents or reports falls on a Saturday, Sunday, or legal holiday, then the deadline shall be extended to 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday." 17 V.S.A. § 2103(13). However, since that Monday

just so happens to be Martin Luther King, Jr. Day, the deadline for supplemental petitions is again extended, and for purposes of the 2016 town meeting warning will be January 19th.

For more information about the process of processing petitioned articles, please see page 6 of the November 2015 *VLCT News*, which is archived at www.vlct.org/assets/News/Newsletter/2015/vlctnews_2015-11.pdf.

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Correction to Municipal Calendar regarding the 2016 deadline for submission of supplemental petitions.

The VLCT 2015-2016 Municipal Calendar includes incorrect dates for two entries currently listed on January 22nd and January 24th. The entries to be corrected are noted below. We sincerely apologize for the error and inconvenience.

INCORRECT DATE: January 22 (Within 24 hours of receipt) Clerk must return to petitioners any invalid petitions stating in writing why they can't be accepted. 17:2642(a)(3)(B)

CORRECT DATE: Friday, January 15

and

INCORRECT DATE: January 24: (48 hours after petitions returned) Last day for filing of supplementary petitions if at least five percent of the voters of the municipality signed the original petitions. 17:2642(a)(3)(B)

CORRECT DATE: Tuesday, January 19