

## TEN TIPS FOR A TERRIFIC TOWN MEETING

**1. Only issues included in the warning can be considered for binding action.**

Vermont law provides that an article titled other business cannot be used for taking binding municipal action. 17 V.S.A. § 2660(d). It follows that a straw vote on an issue of local, state, or national significance can be considered under the other business article, even if it has not been warned, so long as the vote does not bind the municipality to taking action.

**2. An amendment must always be germane – that is, closely related to, or having a bearing on, the subject of the motion to be amended.**

This can get sticky when money articles are being considered. Voters have the authority to amend money articles up or down, but a significant amendment to the amount being considered may not be germane to the original article. It might even amount to unwarned business. If the moderator is unsure whether an amendment is germane, the moderator can refer the question to the voters, who can resolve the issue of germaneness by majority vote. Robert's Rules of Order, 10th Edition, § 12.

**3. The paper ballot can be a useful tool.**

Sometimes, an unusually divisive issue comes before town meeting – one that may cause some voters to feel uneasy about disclosing their opinions on the subject to their friends and neighbors. In this case, state law provides that seven voters – or some other number if the town has so provided – can request a paper ballot. 17 V.S.A. § 2658. A paper ballot will protect the identity of the voters and may allow a truer or more honest expression of the voters' will on a particularly divisive issue.

**4. Some officer elections require a paper ballot.**

Don't forget that the election of listers, auditors, selectboard members, road commissioners, and water commissioners requires a paper ballot. 17 V.S.A. § 2646. When an election is by paper ballot, a majority of all votes cast is required to win the election. 17 V.S.A. § 2660(c). This means that when there are more than two nominees, one candidate must receive a majority, not just a plurality, of the votes cast. If a plurality, but not a majority, is received, voting must continue until one candidate receives a majority. However, if no candidate has received a majority by the end of the third vote, the moderator must announce that the person receiving the least number of votes in the last vote and in each succeeding vote shall no longer be a candidate. 17 V.S.A. § 2660(c). This will eventually lead to a majority vote.

**5. Only voters may vote at town meeting and non-voters may only speak if the rules have been suspended.**

Sometimes, people who are not registered voters in the town may want to participate at town meeting. These may be nonresident landowners who have a concern about a town issue or politicians who want to give an update of events at the State House. State law provides that the moderator must follow reasonable and necessary procedures to ensure that persons who are not voters of the town do not vote. 17 V.S.A. § 2656. This is usually handled at the beginning of the meeting by asking persons who are not voters to identify themselves and reminding them they may not vote on articles. Nonvoters can still speak at town meeting if the voters allow it. This would require a

suspension of the rules, either by two-thirds vote or unanimous consent. Robert's Rules of Order, Tenth Edition, § 25.

**6. Educate voters about using “call the question.”** One of the most frustrating elements of town meeting can be the well-meaning voters who shout out “call the question” without understanding what they are doing. According to Robert's, a motion to call the question is a motion for the previous question. A motion for the previous question is used to end debate and bring the matter to immediate vote. The motion must be seconded and, because it cuts off the voters' right to debate, the motion requires its own two-thirds vote. Robert's Rules of Order, 10th Edition, § 16. Overuse of “call the question” can be awkward and time consuming. If debate is winding down of its own accord, it is a good practice to explain to the voter that his or her motion to call the question requires a second and a two-thirds vote, and that, if the motion passes, the body will have to vote again on the question itself.

**7. Postponing Town Meeting.** Vermont law requires municipalities to hold annual meetings on the first Tuesday in March, unless another date is established in the municipal charter. The law permits a community to postpone the annual meeting to another date if considered necessary. 17 V.S.A. § 2640 (a). In order to do this, at least three voters must be assembled: the moderator, and two others. The moderator would open the meeting, one voter should make a motion to adjourn the meeting to a time and date certain, and the other would second the motion. If “postponed” in this manner, no rewarning of the annual meeting is necessary. But, realize that postponing the annual meeting could affect voter turnout. For this reason, we advise municipalities to postpone their annual meeting only under extreme weather conditions that warrant the protection of the traveling public.

**8. Handling reconsideration or rescission.** An article warned for town meeting cannot be submitted to the voters for reconsideration or rescission at the same meeting once the voters have begun consideration of another article. 17 V.S.A. § 2661 (a). The original article may be submitted to the voters at either the next annual or a special meeting warned for that purpose. The meeting can be called by the selectboard or by a petition submitted by the voters. Voters cannot present an article voted at an annual or special meeting for reconsideration or rescission at more than one subsequent meeting within the succeeding twelve months. 17 V.S.A. § 2661 (c). However, there is no statutory limit on the number of times a selectboard can present an article to the voters.

**9. Don't forget the minutes.** The clerk is responsible for recording the proceedings for town meeting. The record “shall be deemed to be the true and official record of all action taken at that meeting” and must be approved by at least two of the following town officers who were present at the meeting: moderator, selectmen, and justices of the peace. Within seven days after the meeting, the clerk must request approval of the minutes, and the request shall be dealt with promptly. 24 V.S.A. § 1152.

**10. Attend the VLCT Town Meeting Tune-Up on February 26, 2008.** A parliamentarian's paradise, this annual workshop is designed for moderators and

selectboard members, both seasoned and new. It will focus on the statutory requirements for town meeting, Robert's Rules of Order, and best practices for making it through the meeting unscathed.

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