

LEGAL AND REGULATORY NOTES, JANUARY 2016

Change in the Law on Signatures Required for a Voter-Backed Petition

In order to be included on the town meeting warning, a petitioned article must be supported by a petition containing the signatures of at least five percent of the registered voters of the town and must be filed not less than 47 days before the date of town meeting. 17 V.S.A. § 2642(3)(A). In 2016, the 47-day deadline will fall on January 14th. The Municipal Assistance Center and the Secretary of State's Elections Division are both of the opinion that the petitioners for such an article must be given additional time *after* January 14th to obtain such signatures if they are able to get a petition into the clerk's office by that deadline containing the right *number* of signatures.

Take the example of a town that has a total of 200 registered voters. According to 17 V.S.A. § 2642, a petition filed in such town must have the signatures of five percent of that number of voters, or 10 signatures. If the town clerk receives a petition on the January 14th deadline that contains the signatures of 10 people, but only eight of those people are registered voters of the town, the clerk must allow the petitioners additional time in which to obtain at least two more signatures from registered voters.

This change in the law marks a change in the way that voter-backed petitions are handled. In past years there was no opportunity for a petitioner to take additional time past the filing deadline to obtain the requisite number of signatures. However, the intent behind last year's legislative changes to 17 V.S.A. § 2642 was to allow for additional time in certain instances, so as to mirror the law on petitions filed by candidates for local office. The law still requires that the petitioner obtain the requisite number of signatures on or before the filing deadline, but it gives petitioners additional time if it turns out that those signatures aren't all from registered voters of the town.

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