

LEGAL AND REGULATORY NOTES, NOVEMBER 2015

Changes to the process by which voters may petition for articles to be voted at Town Meeting.

In the 2015 legislative session, several changes were made to 17 V.S.A. § 2642, which governs the voter-backed petition process. This is the process used by voters to petition for articles to be voted at Town Meeting. The deadline for submitting a voter-backed petition to the town clerk is “not less than 47 days before the day of the [town] meeting.” In 2016, the 47-day deadline will fall on Thursday, January 14.

The law specifically allows that a single petition may include more than one proposed article. This means that a selectboard cannot require a separate petition for each and every article requested by the voters. There are also new requirements regarding the format for these petitions: they must contain the petition language on each page on which signatures are collected and must also contain the printed name, signature, and street addresses of each voter who signs that petition. Any voter who signs a petition may withdraw his or her name from that petition at any time prior to the signing of the Town Meeting warning by a majority of the selectboard.

The Municipal Assistance Center-developed table on page 2 provides advice to town clerks about how to deal with petitions for the 2016 Town Meeting, in accordance with the requirements of 17 V.S.A. § 2642.

Clerks and other municipal officials with questions about the voter-backed petition process should contact the Municipal Assistance Center. We are not able to assist individual petitioners and we recommend that town officials do not provide advice regarding the legality of such petitions. Instead, petitioners should be directed to seek legal counsel or to contact the Elections Division of the Secretary of State’s Office.

Sarah Jarvis, Staff Attorney II
VLCT Municipal Assistance Center

Date petition received by town clerk	Does the petition contain the requisite number of signatures?	Does the petition contain the petition language on every page and contain the printed name, signature, and address of each voter who signed the petition?	What happens next? Should the petition be accepted, returned, or rejected by the town clerk?	What is the timeframe in which the petitioner must respond?
Before January 14	Yes	Yes	Accept the petition.	N/A
Before January 14	Yes	No	Return the petition to the petitioner within 24 hours after receipt.	Petitioner has 48 hours after receipt from the clerk, or until January 14, whichever is later, to submit a new or supplemental petition with the requisite number of signatures and which contains the petition language on every page and contains the printed name, signature, and address of every voter who signed the petition.
Before January 14	No	N/A	Return the petition to the petitioner within 24 hours after receipt regardless of whether it contains petition language on every page and contains printed names and addresses.	Petitioner has until January 14 to submit a new or supplemental petition with the requisite number of signatures and which contains the petition language on every page and contains the printed name, signature, and address of every voter who signed the petition.
On January 14	Yes	Yes	Accept the petition.	N/A
On January 14	Yes	No	Return the petition.	Petitioner has 48 hours after receipt from the clerk to submit a new or supplemental petition with the requisite number of signatures and which contains the petition language on every page and contains the printed name, signature, and address of every voter who signed the petition.
On January 14	No	Does not matter	Reject the petition.	N/A
After January 14	Does not matter	Does not matter	Reject the petition.	N/A