

Voter-Backed Petitions

Deadline



Patty Mark, Assistant Clerk from the Town of Westminster, recently asked VLCT's Municipal Assistance Center this question: If the town begins its annual meeting in 2019 on the Saturday before town meeting (March 2nd) and continues it to Town Meeting Day on the first Tuesday in March (March 5th), is the deadline for voter-backed petitions affected?

It is a great question and one that we had not received before. The law governing petitioned articles provides that "[t]he 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). When we read this statute, our attention was instantly drawn to the words, "not less than 47 days before the *day of the meeting*." The "day of the meeting" refers to Town Meeting Day that, by law, falls every year on the first Tuesday in March. 17 V.S.A. § 2640(a). In 2019, that day is March 5th. Counting back 47 days from that date puts the deadline for petitions at January 17th. But, the Town of Westminster took advantage of a state law (17 V.S.A. § 2640(b)) that permits towns to start their annual meetings on any of the three days immediately preceding the first Tuesday in March and will hold its annual meeting on Saturday March 2, 2019. Counting back 47 days from that date puts the deadline for petitions in Westminster at January 14th.

It would seem that the town has two separate Town Meeting Days: one on January 14th and the other on January 17th. So, which deadline should they use? At this point in our legal analysis, it would seem that we are no closer to answering Patty's question than when we started.



However, a closer examination of the law governing when towns must hold their annual meetings provides us with some much needed guidance. First, the law says that when a town so votes, it may “start” its annual meeting on any of the three days preceding Town Meeting Day. Second, a “meeting so started shall be *adjourned* until the first Tuesday in March.” (Emphasis added.) 17 V.S.A. § 2640(b). The dictionary defines the word “adjourn” to mean “suspend until a later stated time.” The meeting on March 2nd is, therefore, just the beginning of Town Meeting Day in Westminster. This meeting is “adjourned” or continued to March 5th, when it ends. In the eyes of the law, these are not two separate days after all, but rather one long continuous day. The date of Westminster’s annual town meeting therefore will be Saturday March 2nd. Having determined “the day of the meeting” we can now count back 47 days to find the petition deadline – which brings us to Monday, January 14, 2019.

We thank Patty for her question. If you have one that you think would make a good “Ask MAC” article for our news magazine, please contact us at 800-649-7915 or info@vlct.org.

Garrett Baxter, Senior Staff Attorney

VLCT Municipal Assistance Center

