



RULING THE UNRULY

OR: HOW TO MODERATE A VERMONT TOWN MEETING

*With References To
Robert's Rules Of Order,
12th Edition*

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1988 – 20??

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Key to references in this document

1. RONR – “Robert’s Rules of Order, Newly Revised”, 12th Edition (2020).
2. MH – A Handbook for Vermont Moderators (2009) available at:
<https://www.sec.state.vt.us/media/78387/moderator-guide.pdf>.
3. V.S.A – The Vermont Statutes Online official copy available at:
<http://www.lexisnexis.com/hottopics/vtstatutesconstctrules>.
4. There is an unofficial copy of the Vermont Statutes available at
<https://legislature.vermont.gov/statutes/>.

Other Town Meeting Resources are available from:

1. The Vermont League of Cities and Towns – Town Meeting Resources
<https://www.vlct.org/municipal-assistance/municipal-topics/town-meeting>
Model Town Meeting Warnings
<https://www.vlct.org/resource/model-town-meeting-warnings>
Model Town Meeting Articles and Guidance
<https://www.vlct.org/resource/model-town-meeting-articles>
2. Vermont Center for Rural Studies Citizens Guide to Local Government
<https://www.uvm.edu/crs/citizens-guides-vt-government>
3. The Vermont Secretary of State
<https://sos.vermont.gov/elections/election-info-resources/town-meeting-local-elections/>

I. ROLE OF THE MODERATOR

The Moderator's Handbook says, "The Moderator's job is 'an intense experience, so infrequent task, a sourcebook is essential'." MH(2).

PREPARATION FOR THE MEETING...

1. To ensure a smooth running meeting, help the Town Clerk, Select Board and School Board prepare the warning. At a minimum, **REVIEW THE WARNING** before it is published to ensure that:
 - a. Motions are properly framed and in an appropriate sequence to avoid parliamentary gymnastics during Town Meeting - MH (2) Preparation for Town Meeting; and
 - b. The form of the articles in your warning comply with the Model Town Meeting Articles offered by VLCT at <https://www.vlct.org/resource/model-town-meeting-articles>.
2. **REVIEW ROBERT'S RULES OF ORDER** and the Handbook for Vermont Moderators.
3. **PREPARE NOTES** on procedures for reference during the meeting – Motion Reference Sheet?

DURING THE MEETING...

1. **GUIDE AND MOLD** the meeting from opening to adjournment with fairness, impartiality, and authority – you are in charge.
2. **RUN WITH RIGOR** to Robert's Rules as modified by VT State Law, the assembly, and "Tradition" - **NO EXCEPTIONS**, even on the "little things", or you might get accused of bias or get to do the meeting over again.
3. Remember that the **PEOPLE RULE** except where State Law is specific -- MH (3) State Law vs. RONR.
 - a. They can modify Robert's Rules of Order.
 - b. They can challenge your rulings – Shocking!
 - c. They cannot change **Vermont State Law**. If they choose to violate **Vermont State Law**, the resulting action could be nullified by court action.
 - d. If you're in doubt regarding how to proceed, ask the body and accept their guidance.
4. It's all about the people in the body. Your job is to **FACILITATE THEIR WILL, NOT YOURS**.
 - a. Patiently moderate their discussion, even if you think it's going way too long.
 - b. Joyfully tolerate their endless amendments.
 - c. Assist them in properly framing their motions.
 - d. "Convert" their desired action to motions as defined by Robert's Rules so their intent is clear to all observers, both present and future.
 - e. Help them move through the process.
 - f. Answer their questions.

MH (4) Moderator's Behavior, RONR p. 375 43.33.

5. **REMAIN IMPARTIAL** – the Moderator is not allowed to express an opinion on an issue that is before the assembly while they are acting as Moderator. If the **MODERATOR DESIRES TO SPEAK** on an article, they must **STEP DOWN BEFORE** the article is read and not return to the podium until **AFTER** the vote on that article has been completed. MH – State Law vs. Robert’s Rules – Remain impartial, RONR p. 374 43.29.
6. **AVOID LEGAL DEBATES – NOT YOUR JOB!** You are only responsible for **PROCEDURAL QUESTIONS**. The best policy to retain the respect of the assembly for your impartiality and fairness is not to answer anything other than procedural questions, even if you know the answer. Find someone else to answer legal questions in the meeting (Town Lawyer, Select board Member, Town Clerk, Town Treasurer, School Board Member) or outside the meeting (VLCT Municipal Assistance Center, Secretary of State’s Elections Division, or Vermont School Board Association). MH (4) Moderator’s Behavior.
7. The Moderator is required to **PRESERVE ORDER** in the conduct of business and in debate. If a person who, after notice, is persistently disorderly and refuses to withdraw from the meeting, the Moderator may have the constable or other person remove him. If they refuse to leave, they can be fined up to \$200. 17 V.S.A § 2659.
8. When a member thinks that the rules of the assembly are being violated, they can make a **POINT OF ORDER**, thereby calling upon the Moderator for a ruling and an enforcement of the regular rules. RONR Page 233 23.1.
9. **APPEAL OF MODERATOR'S DECISION:** If someone in the body challenges one of the Moderator’s rulings, the form of the question the Moderator should pose is, "**Shall the decision of the moderator be sustained?**" The process:
 - a. The Moderator explains the rationale for their ruling;
 - b. Debate with each person speaking only once;
 - c. Moderator summarizes their rationale;
 - d. Vote on the question: “Shall the ruling of the moderator be sustained”. Note that in an Appeal of the Moderator’s Decision, a tie vote sustains the Moderator’s decision, even though the Moderator’s vote created the tie, on the principle that a decision of the Moderator can only be reversed by a majority.
MH (4) – State Law vs. Robert’s Rules, RONR P. 242 24.1, P. 385 44.13.
10. The **MODERATOR** is entitled to **VOTE** when the vote is by **PAPER BALLOT**. Robert’s Rules states, “If the presiding officer is a member of the assembly, he can vote as any other member when the vote is by ballot.” This means that if the assembly is voting by paper ballot, the Moderator may take part in that voting. RONR p. 384 44.12

The underlined words mean that the Moderator’s rights are exactly the same as the other members of the assembly. Once the ballot box is closed and paper ballots are counted, there is no ability for any member of the assembly, including the Moderator, to vote belatedly.

11. If the vote is **NOT BY PAPER BALLOT**, the **MODERATOR** can only vote in cases where the Moderator's vote will **CHANGE THE RESULT**. Robert's Rules states, "In all other cases (than paper ballot) the presiding officer, if a member of the assembly, can (but is not obliged to) vote whenever his vote will affect the result – that is, he can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he can vote either to cause or to block the attainment of the necessary two thirds."
RONR p. 384 44.12.

The second sentence (underlined) of the above quote from Roberts' Rules means that if the assembly is voting from the floor, the Moderator may (but not must) vote by voice vote to break or create a tie. In this case, the Moderator may vote belatedly; he may count the voice votes and once he knows the count, may - but not must - vote to break or create a tie.

For example, when the vote is not by paper ballot, the Moderator can (but is not obliged to) vote when:

- a. A two-thirds vote is necessary, and the Moderator's vote thrown with the minority will prevent the adoption of the question, or *(99 Voters, 66 Ayes, 33 Nays, Moderator votes Nay, now 34 Nays, motion fails)*.
- b. A two-thirds vote is necessary, and the Moderator's vote thrown with the majority will cause the motion to pass, or *(98 Voters, 65 Ayes, 33 Nays, Moderator votes Aye, now 66 Ayes, motion passes)*.
- c. A majority vote is necessary and the Moderator's vote thrown with the minority will produce a tie vote and thus cause the motion to fail, or *(99 Voters, 50 Ayes, 49 Nays, Moderator votes No, now 50 Nays, motion fails)*.
- d. A majority vote is necessary, a tie exists, and the Moderator's vote thrown with the favorable side will cause the motion to pass. *(98 Voters, 49 Ayes, 49 Nays, Moderator votes Aye, now 50 Ayes, motion passes)*.

My advice: Don't cast a vote under these circumstances unless it is really imperative you do so for some extremely important reason. Let the will of the people prevail.

12. Don't be concerned about **PERSONAL LIABILITY** as a result of any decisions you make as you run the meeting. You are a facilitator. The body makes all the decisions and has the option of overruling the Moderator's rulings if they choose to do so. Even if a suit were brought regarding an action in a meeting you're moderating, it would be the municipality's to defend, not yours.

II. BASIC CONSIDERATIONS REGARDING TOWN MEETING

Town Meeting Date

1. **Vermont State Law** stipulates that Town Meeting can be held on the first Tuesday of March or on any of the three days immediately preceding this first Tuesday if the town so votes. 17 V.S.A § 2640(a), (b).

Notes and Minutes

1. The Moderator should **MAINTAIN NOTES** during the meeting so they don't lose track of where they are. Record amendments, what passed, what failed, etc. These notes will help you keep organized during debate and are useful in reviewing and approving the Meeting Minutes.
2. After the Meeting, your notes can be used to Review, Edit, and **APPROVE THE MEETING MINUTES**. The Town Clerk must request approval within seven (7) days from any of the following town officers present at the meeting: moderator, selectpersons, and justices of the peace. 24 V.S.A. § 1152.

Town Meeting Process

1. **ROBERT'S RULES OF ORDER** are the basic rules of order for Town and School Meetings except where Vermont Law takes precedence. The body can change Robert's Rules but they cannot change **Vermont State Law**. 17 V.S.A. § 2658 – Town, 16 V.S.A. § 554 – School.
2. Vermont statutes requires that a 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. These may include setting up a checklist at the door of the meeting room and designating separate areas for voters and non-voters, or giving voters cards to hold up as they vote. Where the assembly consists of voters and non-voters, some moderators ask that non-voters raise their hands or stand at the beginning of the meeting, and then remind them that they may not vote or otherwise participate in the meeting without the permission of the assembly. Note that residents of your town can register to vote at your Town Meeting.
3. **Vermont State Law** **PROHIBITS** a town from **CONSIDERATION OF ARTICLES THAT HAVE NOT BEEN WARNED**.
 - a. Therefore, a motion must always be introduced to the floor **EXACTLY** as it is written in the warning. After the motion is on the floor as warned, the Assembly can then amend it within the limitations described within item 12 on page 10. MH (13) – Other Business, 17 V.S.A § 2660(d).
 - b. This means that any action taken under the article **OTHER BUSINESS WON'T BE BINDING**, because it hasn't been warned. Votes can be taken under Other Business on motions presented in order to provide a sense of direction to the School Board or the Select board, but these votes are not binding. MH (13) – 17 V.S.A §2660(d).

4. If Town Meeting is held **PRIOR TO THE FIRST TUESDAY** of March, public discussion of Australian Ballot items, including the election of candidates, shall be permitted. In your Town Meeting, when the voters reach the place in the warning where there is an article to be voted by Australian ballot, the moderator should ask if there is any discussion of the article. Do not allow consideration of any motions, amendments, or taking any action on these articles, however, since the question must be voted on by Australian ballot on Town Meeting Day as warned. 17 V.S.A § 2640(c)(1).
5. If Town Meeting is held **ON THE FIRST TUESDAY** of March, **PUBLIC DISCUSSION OF AUSTRALIAN BALLOT ITEMS**, as well as all other issues appearing in the warning, **EXCEPT FOR THE ELECTION OF CANDIDATES**, shall be permitted on that day at Town Meeting, regardless of the location of the polling place. 17 V.S.A § 2640(c)(1).

Voting

1. Methods of Voting.

- a. **VOICE VOTE** - When it appears that debate on the question has ended, the moderator should ask, "Is there any further debate?" If there is none, the moderator must **RESTATE THE MOTION, EXPLAIN THE IMPLICATIONS** of a vote of "Aye" and of a vote of "No", and bring the question to a vote. RONR p. 39 4.34.
- b. **DIVISION OF THE HOUSE** is compulsory whenever two thirds of the body is required to vote in the affirmative to pass a motion. RONR p. 380 44.5.
Robert's Rules tells us that a show of hands is not a Division of the House. Division of the House is defined as a standing vote. A show of hands is allowed in small bodies if no one objects, but someone still could call for a Division by a Standing Vote after the show of hands. RONR 264 29.2.
Division of the House can be requested by one voter before or after a voice vote. RONR 264 29.3, MH (5) – Voting.
- c. Robert's Rules says, where the by-laws do not require the vote to be by (paper) ballot, it can be so ordered by a majority vote, or by general consent. However, **Vermont State Law** provides for a **PAPER BALLOT** vote on the request of seven voters unless the town has made other arrangements, after a voice vote, or after a division of the house. MH – (5) Voting, 17 V.S.A § 2658.
 - i. This means that the Moderator could ask for a voice vote, declare the motion passed or failed, then...
 - ii. Someone could request division of the house.
 - iii. There must then be a vote by show of hands or rising, the Moderator declares the motion passed or failed, then...
 - iv. Someone could request a paper ballot.
 - v. The Moderator would have to honor this request if the number of people asking for the paper ballot meets minimum requirements.
 - vi. Note that if the "other arrangements" for paper ballot are made in a given meeting, they only apply to that meeting. If you are running Town Meeting and School Meeting in succession, these "other arrangements" would have to be make in both meetings independently.

2. **A PAPER BALLOT IS NOT AN AUSTRALIAN BALLOT.** People often confuse the terms "written ballot", "paper ballot" and "Australian ballot." In the Vermont statutes, a "written ballot" and a "paper ballot" are blank pieces of paper that are used to vote at a traditional floor town or school district meeting to elect certain officers when required by statute or when requested by at least seven voters. An "Australian ballot" vote refers to the process of voting at designated polling places with pre-printed ballots that must be available 20 days prior to the town or school district meeting for absentee voting.
3. When **DECLARING THE RESULTS** of a vote, use the following form: "The Ayes appear to have it", then pause for a few seconds and say, "The Ayes have it; the motion is carried." This gives the body an indication of how the Moderator is going to rule and allows them the opportunity to call for a division of the house or a paper ballot vote if they so choose. MH (5) – Voting—the general rule.
4. "If there is no objection..." **UNANIMOUS CONSENT** is absolutely, positively the **MODERATOR'S BEST FRIEND!** Using unanimous consent, the assembly can do business with little regard for the rules of procedure and expedite the process. The Moderator should act with unanimous consent where possible to eliminate the need for a formal vote on a motion. For example, instead of offering a motion to suspend the rules to allow a non-registered voter to speak, the Moderator might say, "If there is no objection, we'll allow this non-registered voter to speak." If there **is** an objection, the Moderator must follow the rules and entertain a motion, a second, and vote to suspend the rules to allow this non-registered voter to speak (2/3 vote in the affirmative required to suspend the rules). MH (4) – Moderator's Behavior, RONR p. 49 4.58.

Elections

1. The Town Meeting in many towns has split into two, discrete parts—the **OPEN MEETING** and the **AUSTRALIAN BALLOT ELECTION**. The Moderator presides over the Open Meeting. The Municipal Clerk is the presiding officer of Australian ballot elections. The Moderator has no part in the **AUSTRALIAN BALLOT VOTING**. MH – Moderator's Behavior, 17 V.S.A §§ 2658, 2680(f).
2. **Vermont State Law** says a **MODERATOR SHALL BE ELECTED** at the annual meeting for a term of one year unless your municipality has voted to elect a moderator by Australian Ballot. 17 V.S.A. §§ 2646(1), 2680 (b). (Note that **TOWN AND SCHOOL DISTRICT MODERATORS ARE SEPARATE OFFICES.**) The Moderator elected at last year's annual meeting will preside at this year's annual meeting until a new Moderator is elected. The Moderator can continue presiding over the election of a Moderator even if they are one of the nominees for the office. The Vermont Supreme Court has ruled that there is no conflict of interest in a moderator presiding over the election of a moderator, even though the moderator is one of the candidates. (State ex rel. *Ballard v. Greene*, 87 Vt. 515, 517 (1914)). The newly elected Moderator will take office after being elected and will preside at the remainder of this year's meeting and at special meetings throughout the year until the beginning of next year's annual meeting. There is no requirement that Moderators be sworn before taking office. 24 V.S.A. § 831. If the Moderator is absent, a Select Board or School Board member must preside until a Moderator is elected. 17 V.S.A. § 2657.

3. **NOMINATIONS** of people to fill Town or School District Offices may be seconded as an endorsement of the potential candidates, but a second is not required for these nominations. A member of a body need not be recognized by the Moderator to make a nomination. The Moderator is allowed to make nominations. RONR p. 410 46.6.
4. If there is a **NOMINATING COMMITTEE REPORT**, after the report is given, the Moderator must call for further nominations at the session during which elections are held even if nominations were called for at a previous session. RONR p. 409 46.5, 46.6, p. 412 46.18.
5. When there is no response to the chair's call for further nominations, the chair asks, "Are there further nominations for this office. If not, nominations are closed," before proceeding with a vote on each name. RONR p. 414 46.20.
6. **ELECTION OF OFFICERS – Vermont State Law** stipulates that a candidate for local office nominated from the floor at the annual meeting may introduce his or her candidacy to the extent permitted by the voters at the meeting. 17 V.S.A. § 2640(c)(2).
7. **ELECTION OF OFFICERS – Vermont State Law** 17 V.S.A. § 2660(b) requires that, when an election is **BY PAPER BALLOT FROM THE FLOOR**, a majority of all votes cast for any office shall be required for an election. **Vermont State Law** 17 V.S.A. §2660(c) explains that when no candidate has received majority of votes 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. Eventually, one candidate will receive a majority of the votes by this process of elimination. MH (9) – Majority Vote.

III. BASIC MOTIONS, AMENDMENTS, AND DEBATE

1. A **MAIN MOTION** must be **MOVED** and **SECONDED** by the body, then **RESTATED** by the Moderator before it is **UNDER CONSIDERATION** and debate on the article may begin. RONR p. 28 4.2.
2. Effect of a **NEGATIVE MAIN MOTION** is to make adoption of the main motion equivalent to doing nothing at all. Rule the motion **OUT OF ORDER** and instruct the moving party to move the article as warned. MH (6) – Motions.
3. **MOTIONS OR AMENDMENTS CAN BE REFUSED** if frivolous, if they violate Vermont Statutes, or are out of order for any other reason. RONR p. 325 39.3.
4. Select boards and School Directors do not have to accept petitions for articles that are **NOT ASSOCIATED** with the **NORMAL SCOPE OF BUSINESS** for the town or the school, nor does a **MODERATOR** have to accept such a motion under **OTHER BUSINESS** unless the body agrees by a two thirds vote to accept such a motion. RONR p. 102 10.26.2, *Agnes Clift vs the City of South Burlington (Parental Notification)*, 181 Vt. 571 (2007); *Mooney vs Town of Stowe*, 183 Vt. 600 (2008) (*Decomposed Australian Ballot Budget*).
5. The **MAKER OF A MOTION** has the right to **SPEAK FIRST** in debate, if they wish, after the Moderator has stated the question. RONR p. 38 4.27, p. 360 42.9.
6. In the debate, each member has the right to **SPEAK TWICE** on the same question on the same day, but **CANNOT MAKE A SECOND SPEECH** on the same question so long as any member who has not spoken on that question desires the floor. Permission of the assembly is required to speak more than twice on the same question on the same day (unanimous consent - suspend the rules). No one can speak longer than **10 MINUTES** in a given speech without the permission of the assembly (suspend the rules). RONR p. 38 4.28, RONR p. 39 4.29, p. 367 43.8, p. 368 43.12.
7. Speeches must be confined to the merits of the question. Speakers must not be allowed to engage in **PERSONAL ATTACKS** on a member of the body or their **MOTIVES**. RONR p. 371 43.20, 43.21.
8. In cases where the Moderator knows that persons seeking the floor have **OPPOSITE OPINIONS** on the question, the Moderator should choose speakers from the floor whose views **ALTERNATE** as far as possible. This is most easily implemented by the Moderator asking for a speaker who supports the motion, then one who opposes the motion, etc. RONR p. 360 42.9.3.
9. If a motion is made **CONTINGENT ON A LATER ARTICLE**, strongly suggest that the voter move to suspend the rules (unanimous consent?) and consider the later article right now, then move back to the article currently under consideration. MH (end of 11) – Money.

10. If a pending main motion (or an amendment) contains two or more parts capable of standing as separate questions, the assembly can vote to treat each part accordingly in succession by proposing **DIVISION OF THE QUESTION**. RONR 255 27.1. Robert's Rules of Order also instructs that division of the question can be done on the request of a single voter when a series of independent resolutions or main motions dealing with different subjects are offered in one motion. RONR 259 27.10.
11. An article may have only **ONE AMENDMENT** (called a **PRIMARY AMENDMENT**) at a time associated with it, and this primary amendment, likewise, may have only one amendment at a time (called a **SECONDARY AMENDMENT**) associated with it. RONR p. 124 12.11, MH – Motions (6).
12. An **AMENDMENT** must be **GERMANE** to the subject that was warned, both in terms of the **SUBJECT** of the main motion, and the **METHOD** of completion of some business, and it must be reasonable to **ACHIEVE THE PURPOSE** of the article as warned. If in doubt regarding the germaneness of an amendment admit you are in doubt and, in important cases, refer the decision to the assembly. If an amendment were to change the **SUBJECT, OBJECT** or **MEANS** of execution of an article, voters will not have had adequate notice of that vote, so the Moderator must reject it. If such an amendment were allowed, the article would be considered as **UNWARNED**, and the vote would be invalid. For example, you can't change "Purchase a Dump Truck" to "Purchase a Bucket Loader", or change "Study Building a Garage" to "Build a new Garage", or change "Finance using Taxes from coming year" to "Finance by taking out a 5-year loan". RONR p. 120 12.6, p. 125 12.16, MH (6e) – Motions – Amendments, *Kaeser v. Town of Starksboro*, 116 VT 251 (1950).
13. A **SECONDARY AMENDMENT** must be **GERMANE TO THE PRIMARY AMENDMENT**, not just to the main motion. MH – Motions (6) – Amendments, RONR p. 124 12.11.
14. **PASSOVER** is a VT Tradition upheld by the courts in an Albany 1867 case. It might represent **OBJECTION, WITHDRAW A MOTION, SUSPEND THE RULES, or POSTPONE INDEFINITELY**, depending on what point in the process it is introduced and who is making the motion to passover, whether it is the person who made the motion or someone else (see Motion Reference Sheet – p. 13). The Moderator should assist the voter at arriving at the right motion as defined by Roberts Rules of Order and can do so by considering the point in process at which the motion is introduced. Ask the voter to offer the motion as defined in Robert's Rules of Order so that their intent is clear. A recent court case (*Lowell*) was decided on the basis that the court could not conclude what "passover" meant. See Motion Crib Sheet on p. 5. MH – (Motions 6).

15. **DEBATE** may be **CUT OFF** by a motion to **MOVE THE PREVIOUS QUESTION** (colloquially offered as **CALL THE QUESTION**) and a two-thirds vote to do so. When this motion is introduced, it must be acted upon immediately, but note three things:
- a. First, that the person offering the motion **MUST BE RECOGNIZED** by the Moderator and given the floor in order to make the motion – it can't merely be shouted by someone in the body without appropriate recognition by the Moderator. If you are calling on people in the order they raised their hands, there may be several speakers ahead of the person who wants to move the previous question.
 - b. Second, it immediately **CLOSES DEBATE** on, and stops amendment of the immediately pending question and prevents the making of any other subsidiary motion except the higher-ranking motion, Lay on the Table.
 - c. Third, it does not prevent the making of privileged or incidental motions. MH (6) – Motions, RONR p. 187 16.1.
16. Robert's Rules allows reconsideration of an article any time on the same day of a one day meeting or on the same day or next day of a multi-day meeting. However, **RECONSIDERATION** of an article associated with a public question or budget is allowed by Vermont State Law only until a point is reached where consideration of another article has begun. Consideration is defined as having begun after a motion has been **MOVED, SECONDED, AND RESTATED BY THE MODERATOR**. This means that if the body has voted down such an article, a motion can be made to reopen consideration of this article **BY A PERSON ON THE PREVAILING SIDE**. Yes, the Moderator must ask which way they voted. Unlike the person making the motion, the person who seconds the motion can have voted on either side. However, once the Moderator has placed another article before the body, no more action can be taken regarding the article at this meeting. MH (3) – State Law versus Robert's Rules - Reconsideration, RONR p. 298 37.1, 17 V.S.A § 2661. Reconsideration of the **ELECTION OF OFFICIALS** is not allowed. 17 V.S.A § 2603.

Motion Classification: (Refer to MOTIONS REFERENCE TABLE on page 13).

Main Motion

1. A Main Motion is a formal proposal by a member of a body that places an article before the body for them to act on.
2. A Main Motion can only be made when **NO OTHER MOTION IS PENDING**.

Subsidiary Motions

1. Subsidiary Motions are the most frequently used motions in parliamentary procedure.
2. Subsidiary Motions are **MADE WHILE A MAIN MOTION IS PENDING**, for the purpose of
 - a. Assisting, or
 - b. Modifying it, or
 - c. To delay action on it, or
 - d. Otherwise dispose of the main motion.
3. A Subsidiary Motion **SUPERSEDES THE MAIN MOTION** for the time being and must be dealt with before further action can be taken on the main motion.
4. Subsidiary motions have rank order among themselves and must **YIELD TO HIGHER RANKING SUBSIDIARY MOTION, INCIDENTAL MOTIONS, AND PRIVILEGED MOTIONS**.
5. A Subsidiary Motion of higher rank can always be entertained while a motion of lower rank is pending before the house, but a motion of lower rank cannot be entertained if a motion of higher rank is before the body.

Incidental Motions

1. Incidental Motions are those which **ARISE OUT OF A PENDING QUESTION** and
 - a. Must be decided before any further business is taken up; or
 - b. Are something connected with the business of the assembly that must be attended to and which requires a temporary interruption of the business at hand.
2. Incidental Motions are dealt with individually as they arise, and they **TAKE PRECEDENCE OVER SUBSIDIARY MOTIONS**.
3. Incidental Motions have **NO SPECIAL RANK AMONG THEMSELVES**, but they **YIELD TO PRIVILEGED MOTIONS**.
4. Most Incidental Motions are non-debatable.
5. **POINTS OF ORDER, PARLIAMENTARY INQUIRIES** and **REQUESTS FOR INFORMATION** do not require action by the assembly. The Moderator disposes these unless they need to be referred to the group for consideration.

Privileged Motions

1. Privileged Motions have nothing to do with the pending question or motion, but are of such urgency and importance that they are allowed to **INTERRUPT THE CONSIDERATION OF ALL OTHER QUESTIONS AND TAKE PRECEDENCE OVER THEM**.
2. Privileged Motions have rank order among themselves.
3. When there is a **PENDING QUESTION**, Privileged Motions are **NON-DEBATABLE** because of their high rank.
4. Note that if there is **NO PENDING QUESTION** when a Privileged Motion is made, they are then **MAIN MOTIONS** and are **WITHOUT PRIVILEGES**

MOTIONS REFERENCE TABLE

1	<u>PRIVILEGED MOTIONS IN RANK ORDER</u>	2nd	Debate	Amend	Vote	Interrupt	Reconsider
2	FIX TIME TO ADJOURN W/PEND QUEST	2ND	NO	AMD	MAJ	NO	REC
3	FIX TIME TO ADJOURN NO PEND QUEST - MAIN	2ND	DEB	AMD	MAJ	NO	REC
4	ADJOURN	2ND	NO	NO	MAJ	NO	NO
5	RECESS-W/PEND QUEST	2ND	NO	AMD	MAJ	NO	NO
6	RECESS-NO PEND QUEST--MAIN	2ND	DEB	AMD	MAJ	NO	NO
7	QUESTION OF PRIVILEGE						
8	WHEN MAIN MOTION IS IN ORDER - MAIN	2ND	DEB	AMD	MAJ	NO	REC
9	WHEN MAIN MOTION IS NOT IN ORDER	NO	MOD	NO	NO	INT	NO
10	ORDERS OF DAY, CALL FOR #1	NO	MOD	NO	NO	INT	NO
11	<u>INCIDENTAL MOTIONS--NO RANK AMONGST THEMSELVES</u>						
12	APPEAL MODERATOR'S DECISION #2	2ND	DEB	NO	MAJ	INT	REC
13	BLANKS, TO CREATE BY STRIKING OUT	2ND	NO	NO	MAJ	NO	NO
14	CLOSE SUGGESTIONS (OR NOMINATIONS)	2ND	NO	AMD	2/3	NO	NO
15	DIVISION OF ASSEMBLY (THE BODY)	NO	MOD	NO	NO	INT	NO
16	DIVISION OF A QUESTION	2ND	NO	AMD	MAJ	INT	NO
17	METHOD OF VOTING	NO	MOD	NO	#9	NO	REC
18	OBJECTION	NO	NO	NO	2/3	INT	NO #3
19	(PASSEVER - AFTER MOTION IS SECONDED AND RESTATED BY MODERATOR BEFORE DISCUSSION IS STARTED)						
20	PARLIAMENTARY INQUIRY	NO	MOD	NO	NO	INT	NO
21	REQUEST FOR INFORMATION	NO	MOD	NO	NO	INT	NO
22	POINT OF ORDER	NO	MOD	NO	NO	INT	NO
23	READ PAPERS	2ND	NO	NO	MAJ	NO	REC
24	RECONSIDERATION #8	2ND	DEB	NO	MAJ	NO	NO
25	SUSPEND THE RULES	2ND	NO	NO	2/3	NO	NO
26	(PASSEVER - BEFORE THE MAIN MOTION IS MOVED)						
27	WITHDRAW A MOTION (BY THE MOVER)	2ND	NO	NO	MAJ	NO	REC
28	(PASSEVER - AFTER MOTION IS MADE BUT NOT RESTATED BY THE MODERATOR)						
29	<u>SUBSIDIARY MOTIONS IN RANK ORDER</u>						
30	LAY ON THE TABLE--EMERGENCY ONLY	2ND	NO	NO	MAJ	NO	NO
31	PREVIOUS QUESTION / CALL THE QUESTION	2ND	NO	NO	2/3	NO	REC #4
32	LIMIT/EXTEND DEBATE ON A PENDING QUEST	2ND	NO	NO	2/3	NO	REC
33	DURATION OF MEETING	2ND	DEB	AMD	2/3	NO	REC
34	POSTPONE TO A DEF. TIME--NO MERITS	2ND	DEB #5	AMD #6	MAJ	NO	REC
35	REFER TO A COMMITTEE	2ND	DEB	AMD	MAJ	NO	REC
36	AMEND THE AMENDMENT	2ND	DEB	NO	MAJ	NO	REC
37	AMENDMENT (SUBSTITUTE--DEBATE BOTH)	2ND	DEB	AMD	MAJ	NO	REC
38	POSTPONE INDEFINITELY--DEBATE MERITS	2ND	DEB	NO	MAJ	NO	REC #7
39	(PASSEVER - AFTER THE MOTION HAS BEEN SECONDED, RESTATED BY THE MODERATOR AND DISCUSSION IS STARTED)						
40	<u>MAIN OR PRINCIPAL MOTION</u>	2ND	DEB	AMD	MAJ	NO	REC
41	TAKE FROM THE TABLE	2ND	NO	NO	MAJ	NO	NO

NOTES ON MOTIONS, P. 13:

#1- MUST BE ENFORCED ON DEMAND OF ONE MEMBER UNLESS SET ASIDE BY 2/3 VOTE.

#2- MODERATOR EXPLAINS RULING, EACH VOTER CAN SPEAK ONLY ONCE, THEN MODERATOR RESPONSE – MH (4) – State Law vs. Robert’s Rules, RONR P. 242 24.1, P. 385 44.13.

#3- NEGATIVE VOTE (SUSTAINING OBJECTION) ONLY.

#4- ONLY ON AFFIRMATIVE VOTE BEFORE ANY ACTION TAKEN UNDER IT.

#5- CAN’T DEBATE MERITS OF MOTION, ONLY POSTPONEMENT.

#6- AMENDABLE ONLY AS TO THE TIME.

#7- AFFIRMATIVE VOTE ONLY.

#8- MUST BE MADE BY A PERSON WHO VOTED ON THE PREVAILING SIDE (RONR 299 37.8) BEFORE NEXT ARTICLE IS TAKEN UP (VT LAW).

#9- PAPER BALLOT – VT LAW 7 VOTERS UNLESS OTHER ARRANGEMENTS MADE.

DEBATE COLUMN: MOD – MODERATOR HANDLES WITH NO FURTHER PARTICIPATION BY THE BODY.

IV. ED'S INSTRUCTIONS TO THE BODY BEFORE CALLING THE MEETING TO ORDER

1. **ROBERT'S RULES OF ORDER** are the basic rules of order for this meeting except where Vermont Law takes precedence (MH – Prologue). The body cannot change **Vermont State Law**, but you can change Robert's Rules with a 2/3 vote if you desire. MH (3a) – State Law vs. Robert's Rules.
2. An article must be **MOVED** and **SECONDED** by the body, then **RESTATED** by the Moderator before it is under consideration and debate on the article may begin. RONR p. 28 4.2. After the Moderator restates the motion, the person who made the motion has the right to speak first in the debate. RONR p. 38 4.27, 360 42.9.
3. **ARTICLES** may have only **ONE AMENDMENT** at a time **ASSOCIATED** with them, and **AMENDMENTS TO AN ARTICLE**, likewise, may have only **ONE AMENDMENT** at a time associated with them. RONR p. 124 12.11, MH – Motions (6).
4. **AFTER YOU'VE SPOKEN** once on a particular article, you will not be recognized a second time during discussion on that article or amendment until all other voters who wish to speak on the issue for the first time are given an opportunity to do so. Robert's Rules only allows a given speaker to speak twice on a given motion and limits the duration of speeches to 10 minutes. RONR p. 38 4.28, RONR p. 39 4.29, p. 367 43.8, p. 368 43.12.
5. **DIVISION OF THE HOUSE** can be requested by one voter before or after a voice vote. **Vermont State Law** provides for a **PAPER BALLOT** vote on the **REQUEST OF SEVEN VOTERS** unless the town has made other arrangements, or after a voice vote, or after a division of the house.
 - a. This means that the Moderator could ask for a voice vote, declare the motion passed or failed, then...
 - b. Someone could request division of the house.
 - c. There must then be a vote by show of hands or rising, the Moderator declares the motion passed or failed, then...
 - d. Someone could request a paper ballot.
 - e. The Moderator would have to honor this request if the number of people asking for the paper ballot meets minimum requirements.

MH – (5) Voting, 17 V.S.A § 2658.
6. All motions, remarks and discussion must be **ADDRESSED TO THE MODERATOR** (RONR p. 372 43.22). I will do my best to recognize you in the order that you have raised your hands. You must be recognized to speak, even to "Move the Previous Question." RONR p. 189 16.5.3. After being recognized, please stand up, wait for a microphone, give your name, and speak in a loud voice so that your comments may be heard by everyone.
7. Your speeches must be confined to the merits of the question. You will not be allowed to engage in **PERSONAL ATTACKS** on a member of the body or their **MOTIVES**. RONR p. 371 43.20, 43.21.

8. **Vermont State Law** prohibits consideration of articles that have **NOT BEEN WARNED**. This means you cannot take binding action under the article "Other Business", and you can't amend warned articles such that they would deal with business that hasn't been warned. MH (13) – Other Business, 17 V.S.A. § 2660(d).
9. **RECONSIDERATION** of an article is allowed by **Vermont State Law** until a point is reached where the body has begun working on another article. This means that if you have voted down an article, a motion can be made to reopen consideration of this article by a person on the prevailing side. (Yes, I will need to ask you how you voted. However, once the next article is on the floor, no more action can be taken regarding the previous article at this meeting. MH (3) – State Law Versus Robert’s Rules - Reconsideration, RONR p. 298 37.1, 17 V.S.A § 2661.
10. My role, as moderator, is to help you **ACCOMPLISH THE BUSINESS** you intend to do. Please raise your hand and ask questions if you don't understand what is happening, or if you think what is happening is wrong for some reason, or if you want to do something but you don't know how to proceed.
11. Please tell me if you feel I am ruling improperly. You have the right to **CHALLENGE THE MODERATOR’S** rulings. RONR p. 242 24.1, 385 44.13.
12. Only registered voters of the town may vote at annual or special meetings of the town. **AT THIS TIME, I ASK THAT THOSE WHO ARE NOT REGISTERED VOTERS IN THE TOWN OF _____ TO RAISE THEIR HANDS.** You may not vote and, unless there is a suspension of the rules, you may not speak on articles. MH (2d) – Preparation for Town Meeting.

V. ADVANCED CONSIDERATIONS REGARDING TOWN MEETING

Town Meeting Process

1. A town can **MOVE TOWN MEETING** if it must. Every year some towns find that the place intended to hold town meeting is suddenly unavailable. If town meeting absolutely needs to move to a new location, the best option is to post a notice indicating the new location on all entrances to the original town meeting location. If the town has enough advanced warning it would be a good idea to notify the local media and post notices of the new location around town. Have the moderator be prepared to begin the meeting a bit late to ensure that people who arrive at the original meeting place on time will not miss the beginning of the meeting. After town meeting concludes, a special meeting (described in 2. below) should be held to validate the town meeting. Another option is to assemble at least three voters. Ideally, one person should be the Moderator, and the two additional voters can make and second motions. The moderator should start the meeting, one person can make a motion to adjourn the meeting to a date and time certain, and the other person can second the motion. If Town Meeting is postponed in this manner, it does not have to be re-warned. Have signage on the original location and as many places around town that you can to notify voters of the change. 17 V.S.A. § 2640(a).
2. When any of the **REQUIREMENTS** as to notice or warning of an annual or special municipal meeting have been **OMITTED OR NOT COMPLIED WITH**, the omission or noncompliance, if the meeting and the business transacted at it is otherwise legal and within the scope of the municipal powers, may be corrected and legalized by vote at a regular meeting or special meeting of the municipality called and duly warned for that purpose. The question to be voted upon shall substantially be, "**Shall the action taken at the meeting of this town (or city, village or district) held on (state date) in spite of the fact that (state the error or omission), and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed.**" Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning may be corrected by **PASSING A RESOLUTION OF THE BODY** of the municipality by a vote of two-thirds of all its members at a regular meeting or a special meeting called for that purpose, stating that the **DEFECT WAS THE RESULT OF OVERSIGHT, INADVERTENCE, OR MISTAKE**. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with. 17 V.S.A. § 2662.

VI. ADVANCED MOTIONS, AMENDMENT, AND DEBATE

(Refer to MOTIONS REFERENCE TABLE page 13)

Motions

1. **SUSPEND THE RULES** is the motion required to modify Robert’s Rules, the order in which you take up the articles in the warning, or any other aspect of the meeting – except VT state law, which you cannot modify. This motion requires 2/3 of the body to vote in the affirmative in order to pass. Robert’s Rules of Order also prescribes a method by which rules may be amended, for example, before the business of the meeting begins. RONR P. 15 2.21, 246 25.1, MH (3a) – State Law vs. Robert’s Rules.
2. After a main motion has been made and before the question has been stated by the Moderator, any member can quickly rise and informally suggest one or more **MODIFICATIONS IN THE MOTION** which, at this point, the maker can accept or reject as they wish. RONR p. 36 4.20.
3. After a main motion has been made and before the question has been stated by the Moderator, any member can quickly rise and ask if the maker of the motion would **WITHDRAW THE MOTION** if they were aware of information this member offers, at which point the maker of the motion can choose to maintain or withdraw their motion. RONR page 37 4.23.
4. After a motion has been stated by the Moderator, it belongs to the assembly. The maker of the motion can request **PERMISSION TO WITHDRAW** it at any time before a vote is taken, even if it has been amended. Using unanimous consent, the Moderator will say, “Unless there is an objection, the motion is withdrawn. If there is objection, the Moderator will put the question of granting the request to the assembly. RONR p. 278 33.11.
5. A motion to amend by striking out an article or a portion of an article is called a motion to substitute. A **SUBSTITUTE MOTION** is considered a primary amendment and, therefore, can only be moved when no other amendment is pending. You can also have a substitute amendment that follows the same guidelines. When a substitute motion is introduced, debate can go into the **MERITS OF BOTH** the pending motion and the proposed substitute, and **BOTH MAY BE AMENDED**, but any amendments to the pending motion will be taken up first. At the end of discussion, the body will vote on the amendment to substitute article for the original article. Whichever survives then becomes the main article under consideration. RONR p. 142 12.69.
6. If the Moderator senses that there may be multiple values proposed, suggest, “**If there is no objection, the Moderator suggests that the number in the motion be decided upon by the method of filling blanks,**” then record each value offered from the floor. In **FILLING BLANKS**, the number of alternatives is not limited, and members have an opportunity to offer many options without going through the rigor of an amendment for each proposal. RONR p. 150 12.92, MH (10) – Reports of Officers.

7. When there is no response to the chair's call for further suggestions, the chair asks, "Is there any debate?" before proceeding with a vote on each number. RONR p. 153 12.98, p. 155 12.107.
8. In **FILLING BLANKS**, after suggestions are closed, the members have an opportunity to weigh all choices before voting and to vote on them in a fair and logical order. The least likely value should be considered first (If spending money – go from highest to lowest; if selling something – go from lowest to highest, setting a date – consider the most distant date first). The first value that receives a majority vote fills the blank. **THE VOTE THAT FILLS THE BLANK DOES NOT DECIDE THE MAIN QUESTION**. When the blank is filled, the Moderator must immediately state the question on the adoption of the main motion, which places it on the floor for discussion. RONR p. 150 12.92, RONR p. 151 12.94, MH (10) – Reports of Officers.
9. To raise a **QUESTION OF PRIVILEGE** is a device that permits a request or main motion relating to the rights and privileges of the assembly or any of its members to be brought up for possible immediate consideration because of its urgency, while business is pending and the request or motion would otherwise be out of order. Examples, comfort (heat, light, noise, ventilation), conduct of those present, etc. RONR p. 212 19.1.
10. An **OBJECTION** to consideration of a question is out of order once discussion has started. The correct motion to end consideration would be to **POSTPONE TO A DEFINITE TIME** or **POSTPONE INDEFINITELY**. RONR p. 63 6.17.4, p. 252 26.1, p. 370 43.17.
11. When a motion to **POSTPONE TO A DEFINITE TIME** is introduced, debate **MUST NOT GO INTO THE MERITS OF THE MAIN QUESTION** any more than is necessary to enable the assembly to decide whether the main question should be postponed and to what time. RONR p. 172 14.4.5.
12. When a motion to **POSTPONE INDEFINITELY** is introduced, debate can go fully into the **MERITS OF THE MAIN QUESTION**. A motion to Postpone Indefinitely can only be applied to a main motion. RONR p. 117 11.2.5.
13. Articles that are voted to be "postponed indefinitely" cannot be raised at a special or future annual meeting without a full **WARNING OF NEW ARTICLE**.
14. The motion to **LAY ON THE TABLE** is out of order if the evident intent is to kill or avoid dealing with the measure in question. This motion is only to be used when something else of **IMMEDIATE URGENCY** has arisen (do you smell smoke?). If an article is "laid on the table" during the course of a meeting, it could be removed from the table during that same meeting. However, it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. Moderator's Workshop 1995 p. 12, RONR p. 199 17.2.

15. A member has no right to **READ FROM ANY PAPER** or book as part of his speech without permission from the assembly. It is customary, however, to allow members to read short, pertinent printed extracts in debate as long as they do not abuse the privilege. (“If there is no objection, I will allow Jane Smith to read from...”) RONR p. 280 33.20.

Elections

1. **ELECTION OF OFFICERS – Vermont State Law** requires that, when an election is **BY AUSTRALIAN BALLOT**, the candidate receiving the most votes shall be declared elected to that office. 17 V.S.A. § 2682(c). There are additional requirements for voting on write-in candidates which you can find in 17 V.S.A. § 2682a.
2. **ELECTION OF OFFICERS – Vermont State Law** requires a paper ballot vote for the election of Listers, Auditors, Select board members, Elective Road Commissioners, and Elective Water Commissioners. All other officers may be handled on the floor in open session. 17 V.S.A. § 2646. Note too, that according to VT State Law, when there is only one candidate for a position, the moderator may entertain a motion for the clerk to cast one ballot to elect this individual to the office and fulfill the law’s requirement of a ballot vote. 17 V.S.A. § 2660(b). Paper ballots are also required for the vote to eliminate the office of Elected Auditor and the office of Elected Lister. 17 V.S.A. §§ 2651b and 2651c.
3. There are **INCOMPATIBLE OFFICES**. An Auditor shall not be Town Clerk, Town Treasurer, Select Board member, First Constable, Collector of current or delinquent taxes, Trustee of public funds, Town Manager, Road Commissioner, Water Commissioner, Sewage System Commissioner, Sewage Disposal Commissioner, Cemetery Commissioner, or Town District School Director, nor can the spouse of or any person assisting any of these persons in the discharge of official duties be eligible to be an Auditor. A Select board member or School Director shall not be First Constable, Collector of taxes, Town Treasurer, Auditor, or Town Agent. A Select board member shall not be Lister or Assessor. A cemetery commissioner shall not be Town Treasurer. A Town Manager shall not hold any elective office in the town or town school district. 17 V.S.A. § 2647. See VLCT Incompatible Offices Chart:
<https://www.vlct.org/sites/default/files/documents/Resource/Incompatible%20Offices%20Chart.pdf>.

Recessing a Meeting

1. If a **RECESS** is provided for in the adopted agenda or program of a convention or other meeting, the Moderator, without further action by the assembly announces the fact and simply declares the assembly in recess when the specified time arrives. RONR p. 219 20.6.

2. When the **ORDERS OF THE DAY** (an event on the agenda or order of business of the day) are called for, the Moderator can, and ordinarily should, immediately announce as the newly pending business the subject that is then in order. Sometimes the Moderator or a member may sense that the assembly would prefer to continue consideration of the presently pending question or take up another matter first. In such cases, the assembly by a two-thirds vote can set aside the orders of the day as follows:
 - a. The Moderator can use “unanimous consent” saying, “The orders of the day are called for. However, if there is no objection we’ll complete consideration of the pending question before we proceed to the orders of the day.” If there is no objection, continue on the pending question. If someone objects,
 - b. The Moderator can put to question on proceeding to them: "The orders of the day are called for. The orders of the day are _____. The question is: Will the assembly proceed to the orders of the day? As many as are in favor of proceeding to the orders of the day raise their hand (2/3 negative vote required to continue consideration of pending question).
 - c. A member can move that the time for considering the pending question be extended ___ minutes or that the rules be suspended and the desired question taken up (2/3 approval required).
RONR p. 346 41.40.

Adjournment

1. If a town holds their meeting on the **SATURDAY, SUNDAY OR MONDAY** before Town Meeting Day, the moderator does not need to “recess” the meeting until Town Meeting Day. They may adjourn the meeting without fear of compromising the Tuesday election in any way. Regardless of what is done in the Town Meeting, the town clerk, as presiding officer, will still be able to declare the polls open and close them on Town Meeting Day. MH – Moderator’s Behavior. 17 V.S.A § 2640(b).
2. The Vermont Supreme Court has ruled that **ADJOURNMENT BEFORE THE WARNING IS COMPLETED** will not be respected, and that voters who remain in the room after this motion is adopted to complete the business of the meeting will be supported by the court. *Jenney v. Alden*, 79 Vt. 156 (1906). MH (14) – Adjournment.
3. **Vermont State Law** allows a body to adjourn its Town Meeting and then to continue that same meeting on another day. **ADJOURNMENT TO A DATE, PLACE, AND TIME CERTAIN** allows a town or school district to avoid warning delays if voters want to continue a meeting to a later date. If a motion is made to adjourn to a date and time certain, the meeting really is **CONTINUED** at the later date, rather than adjourned. Therefore, the meeting does not need to be warned again because the original warning is preserved. This eliminates the 30 to 40-day warning period for a new meeting. A motion to adjourn to a date, place, and time certain is most commonly used in the event of bad weather or other emergencies (like a broken furnace). It may also be used when the voters want to postpone a vote until they receive additional information that is not available at town meeting (as when an audit report is delayed). If the motion to adjourn does NOT contain a date, place, and time certain, the next meeting will require full 30 to 40-day warnings. MH (14) – Adjournment, RONR p. 222 21.7, 17 V.S.A § 2640(a).

4. When a meeting is **ADJOURNED TO A DATE, PLACE, AND TIME CERTAIN**, the adjourned session can only include completion of voting and discussion of articles which were in the original warning, because it is a continuation of the previous meeting. New articles cannot be added during the recess and the same checklist used at the first meeting must govern the second. Adequate warning is a consideration. Even those voters who are present in a meeting as it adjourns to another day might not attend the reconvened meeting when no other notice is required. For these reasons, a moderator should try to avoid adjournments to later dates, if possible. If not, a moderator should at least try to ensure that the meeting reconvenes within a few days of the original session, rather than waiting weeks or months to reconvene. MH (14) – Adjournment, 17 V.S.A § 2660(d).

VII. REPORTS AND OTHER CONSIDERATIONS

Reports

1. **ACCEPTANCE OF REPORTS OF OFFICERS** – This article is first moved and then gives way to an informal process in which various officers offer corrections and elucidations on their reports. Voters may cross-examine officers and request explanations on a variety of subjects, including past actions, entries in the town report and the like, but they can't go into the warned business of the day. MH (10) – Reports of Officers.
2. In the course of the meeting, if there is an agenda item for a **COMMITTEE REPORT**, the Moderator will call for the report to be made at that time. If there is no provision for the report of the committee, the reporting member must obtain the floor when no business is pending to inform the assembly that the committee has agreed to a report (majority of the committee supported the report) and would like to present it. The Moderator will indicate that, if there is no objection, the report will be received now. If there is an objection to receiving the report, a majority vote is required to receive the report. If the report only contains information, there is no necessity for action on the report, but a motion could be made to accept the report, which has the effect of endorsing the statement and making the assembly assume responsibility for it. If the report contains recommendations not in the form of motions, they should all be placed at the end of the report, even if they have been given separately before, and the proper motion is to adopt the recommendations. RONR p. 481 51.8 and following.
3. **COMMITTEE REPORTS** should be submitted in writing except for a few permissible exceptions that apply to very brief reports in a small assembly, provided the secretary records the complete substance of the report in the minutes as it is given orally. RONR p. 486 51.23.
4. If there is a minority that wants to submit a report, the **MINORITY REPORT** should be introduced thus: "The undersigned, a minority of the committee appointed to study (the subject or topic), not agreeing with the majority, desire to express their views in the case." After the committee's report has been **read** and the **motion to adopt has been made** and **the question stated**, it is usual to allow the minority to present their views, but if anyone objects to the reception of the minority report, the moderator will put the question on reception of the Minority Report to the assembly. A majority vote is required to receive the report. When the Minority Report is read, it is for information, and it cannot be acted upon except by a motion to substitute it for the report of the committee. RONR p. 501 51.64 and following.

Other Considerations

1. **SCHOOL BOARD** has statutory authority to determine how the funds that are approved shall be expended after the voters have set budget totals. Voters can only stipulate the bottom line total budget value. The voters can recommend that line items in the budget be modified or deleted, but the School Board by statute can choose to accept or reject the guidance from the voters. 16 V.S.A. § 562(8).
2. The Handbook for Vermont Moderators (11 – Money) stipulates that the **SELECT BOARD** has only as much latitude as the voters allow them, suggesting that the voters can give line item by line item guidance to the Select board that they must follow by recommending modifications to line item expenditures or deletion of line items. However, there is no statute associated with the spending of municipal funds that applies to the Select board like there is for School Boards. As a result, some hold the view that the voter-approved budget is simply a guide for municipal spending and that the Select board, being responsible for the general supervision of town affairs (24 V.S.A. § 872), has authority to deviate from the approved budget as circumstances dictate. The Select board’s political accountability to the voters is probably the thing that will guide a given Select board as they execute their responsibilities. If the voters are dissatisfied with the response of the Select board members, they can elect different members.
3. **PUBLIC INFORMATIONAL HEARINGS FOR AUSTRALIAN BALLOT VOTING.** In response to the concerns posed by COVID-19, the Governor signed Act 77 on January 14, 2022, which, in part, allows Select boards to vote to apply the Australian ballot system for its annual meeting held in the year 2022 and to vote to postpone this year’s annual meeting to a later date in 2022. Act 77 also allows municipalities to conduct the public informational hearings associated with utilizing the Australian ballot system by electronic means without designating a physical location.

Moderators ordinarily have no role in annual meetings where the Australian ballot system is used. However, the law governing its use requires an informational hearing to be held. While it is the Select board, not the moderator, that is statutorily responsible for the administration of this hearing, many Select boards will defer to the moderator once such an informational hearing begins. The Select board determines the scope of the moderator’s involvement, what rules of procedure will apply, and whether the public informational hearing will be held in person, remotely, or as a hybrid meeting. Therefore, moderators should be aware of this temporary law and work in close consultation with their Select boards leading up to their municipality’s annual meeting day.

VLCT’s Municipal Assistance Center has developed a Remote Public Informational Hearing 2022 Toolkit to help municipalities hold their informational hearings by electronic means. This, and other 2022 town meeting resources, including our Town Meeting 2022 COVID-19 FAQs and Postponed Town Meeting 2022 COVID-19 FAQs are available at: <https://www.vlct.org/municipal-assistance/municipal-topics/town-meeting>.