

TOWN MEETING TUNE UP WEBINAR Q&A

Please visit our [Town Meeting](#) webpage for access to our member resources.

Answered by Ed Chase, Moderator/Presenter:

For election of officers, the requirement that there be a majority to win, that's a majority of those present, correct?

Ed: Yes.

Does simple majority end the nominations under the 12th edition?

Ed: The 11th Edition required 2/3 vote. The 12th Edition does not require a vote. The moderator can call for any other nominations and, if there are none, say "hearing none, we will close nominations." No vote required.

Can you describe how voice voting for uncontested seats go?

Ed: For a voice vote, you can do the voice vote and then be done with that office. If a paper ballot is used, you can instruct the clerk to case a single ballot for that person.

Re: Selectboard or Schoolboard members needing to preside when there is no moderator, do they have the authority to appoint someone as interim Moderator?

Ed: 17 V.S.A. § 2657 says that "A municipal meeting shall be called to order by the moderator, or in his or her absence by a selectboard member who shall preside until a moderator pro tempore is chosen." As I read it, this statute doesn't allow appointment of an interim Moderator. A Selectboard or Schoolboard member must preside over the first order of business, which is electing a moderator, then the Moderator takes over for the rest of the meeting.

Follow up question: the "interim moderator" might have to handle an issue in which the moderator wants to participate.

Ed: Moderator's Handbook published by the VT Secretary of State's Office says, "You have to remain impartial. If you must speak on a motion, step down before the article is read and don't come back until the vote has been completed. A selectboard member is the best candidate to take over for you, as long as he or she isn't too closely associated with the subject too. In any case, as moderator, you may choose the temporary moderator, using your considerable unanimous consent powers." Roberts Rules suggests selecting the highest ranking officer present. Consider the guidance from these two sources as you select a person that you believe best capable of running the meeting while you're away from the podium.

The town budget article fails. Then that is it? Town meeting ends with no approved town budget?

Ed: Yes, if the budget article fails and the next article is moved, the town is left with no approved budget. But reconsideration of that article can be moved by someone voted in the majority, which in this case would be against the budget. The motion for reconsideration must be made before the Moderator places the next article on the floor by state statute. The

moderator must ask/confirm that the person moving for reconsideration in fact voted against it. Anyone can second that motion for reconsideration, which moves it to the floor for possible amendment. This is the only chance for reconsideration. If the next article is moved, seconded and restated by the Moderator, reconsideration is no longer allowed.

MAC adds: Local election law reads that “(a)t its annual meeting, a town shall vote such sums of money as it deems necessary for the interest of its inhabitants and for the prosecution and defense of the common rights.” 17 V.S.A. 2664. It also states that, “(a)t the annual meeting, a town shall choose from among its registered voters the following town officers, who shall serve until the next annual meeting and until successors are chosen...” 17 V.S.A. 2646. This language means that towns are required to vote and approve a town budget and elect its officers. These are the two articles that towns are required to vote on and approve at town meeting. A town that does not dispose of these articles will have to continue its annual meeting until it approves one.

Our town meeting warning includes “hearing the reports of town officers”. Can you remind us of how we proceed with this article?

Ed: I suggest having someone move the article, receive a second, then hear the reports. No vote is required after discussion because no action is being taken on the reports. There is no acceptance or rejection of the town officer reports; they are simply discussed, questioned, and clarified.

Answered by Municipal Assistance Center (MAC):

How do you remove someone from a ZOOM town meeting? (Aside from electronically.)

MAC: There is not authority to hold a town meeting with floor voting electronically via Zoom. If you are referring to the public informational hearing that precedes Town Meeting Day Australian ballot voting, you can customize your rules of procedure and limit public comment/participation the same as in an in-person setting. Please view our recent [webinar](#) on facilitating these virtual hearings and our [remote informational hearing toolkit](#).

How does paper ballot work with a hybrid meeting?

MAC: There is no authority to participate in or vote at a floor meeting virtually or using electronic means. Therefore, paper ballots will only be used in an in-person town meeting. If you decide to offer a broadcast or live stream of the town meeting, it cannot allow for remote attendee participation.

Can individual candidates be discussed at an Informational Meeting?

MAC: Yes. This is not a polling place so there is no prohibition against candidates introducing themselves as the public informational hearing that comes before an Australian ballot voting day. We suggest the board consider holding a separate “meet the candidates” forum at a special or regular selectboard meeting for this purpose.

We are holding our Town Meeting in person with floor voting. We will be setting up cameras so people can “attend” the meeting remotely. While people attending remotely will not be allowed to vote, should they be allowed to speak?

MAC: No, we would not recommend remote participation in a floor meeting. There is no statutory authority for this option.

If the Moderator is a candidate for Select Board, and at the Informational Meeting, they are asked a question as a candidate, are they allowed to step aside to answer, and then resume role of Moderator? Does anyone need to fill in?

MAC: The public informational hearing is run by the selectboard and will not necessarily have to follow Robert’s Rules unless the selectboard adopts them for this hearing. If the selectboard asks the moderator to facilitate the hearing, then the moderator should follow whatever rules the selectboard has adopted for this hearing. There is nothing in statute besides 17 V.S.A. § 2680(h)(2) on this point:

“(2)(A) The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The legislative body shall be responsible for the administration of this hearing, including the preparation of minutes.”

In the event the selectboard decides to have Robert’s Rules govern its informational hearing and solicits the assistance of the town moderator in facilitating it, then the moderator could relinquish their role as moderator to answer the question. They would turn their duties over to the chair of the selectboard without objection or open the floor to nominations of a moderator pro tempore.

Our elected moderator resigned and the selectboard has identified a replacement. We are a full Australian ballot Town. Can this replacement be nominated at the informational meeting?

MAC: No. There is no nomination if you are using Australian ballot voting. Candidates for moderator would have had to submit a consent form to be listed on the ballot. Anyone not listed would be running as a write-in, in which case they can announce that at the public information hearing.

We only have one article to be voted on at the Informational meeting and that is to have the board present the budget. You have said there is no hybrid meeting, but we will be live with Zoom access? Can they please clarify the ruling on hybrid meetings?

MAC: There would not be an article for voting at an informational hearing. The informational hearing is a precursor to Australian ballot voting. The only case where there may be a floor portion of town meeting in conjunction with the informational hearing on the same day is if the town had previously voted to bifurcate its meeting (so some articles are voted by Australian ballot and others from the floor), and the town previously voted to begin its floor meeting on any of the 3 days immediately preceding Town Meeting Day. In that case, the floor voting would be its own meeting and in-person. The public informational hearing for the remaining articles to be voted using Australian ballot voting may be held remotely or as a hybrid per the Open Meeting Law and Act 77, but there would not be remote or virtual voting as part of that

Australian ballot informational hearing. See 17 V.S.A. § 2680 at <https://legislature.vermont.gov/statutes/section/17/055/02680>.

In short, it appears, based on the question and without knowing more, that the “article” for the informational hearing to “present the budget” isn’t really an article to be voted on, but rather should be treated more as an agenda item for discussion.

Under adjourned to a date time certain, is there a time limit (days, weeks, months) that the meeting must reconvene?

MAC: The law is silent on this point. Presumably, the meeting could be adjourned to any other date prior to the next annual town meeting. Note that, with the passage of Act 77, selectboards can change the date of the annual town meeting to some later date in the calendar year 2022. For more information, including a sample motion, please see our [Postponed Town Meeting 2022 COVID-19 FAQs](#). In that case, any foreseen postponement could occur before voters are gathered for the meeting and an adjourned meeting continued to a future date would only be necessary in an emergency instance, such as the example Ed used of the building is on fire.