Act 77

What does the Act temporarily change for annual meetings in 2022?
The law does the following:

- Allows municipalities to postpone their 2022 annual municipal (aka “town”) meeting to a later (and potentially safer) date. It will be up to the legislative body to determine the later date.
- Allows municipalities to apply the Australian ballot system to its annual town meeting held in the year 2022 by vote of its legislative body.
- Allows municipalities to conduct the public informational hearings associated with utilizing the Australian ballot system by electronic means, without designating a physical location.
- When municipalities hold public informational hearings in conjunction with this law, they must:
  - use technology that allows the public to attend by electronic or other means;
  - allow the public to access the meeting by telephone whenever feasible;
  - include and post information on how the public can access the meeting electronically in its agenda; and
  - record the hearings, unless unusual circumstances make it impossible for them to do so.
- Clarifies that municipal officers will serve until the annual meeting and when successors are chosen if a legislative body chooses to move the date of the 2022 annual meeting.
- Authorizes the Secretary of State to waive statutory deadlines or other provisions (including those in municipal charters) related to a municipal election as necessary in order for a municipality to apply the Australian ballot system to its annual meeting.

Note that this Act specifically prohibits municipalities from using this temporary authority to permanently switch to Australian ballot voting for any and all articles, for any subsequent municipal elections.

Who does the Act apply to?
The law applies to “any municipality” of the State. The term “municipality” is defined under law as including “a city, town, town school district, incorporated school or fire district or incorporated village, and all other governmental incorporated units.” 1 V.S.A. § 126.

Can we move the date of our annual meeting? If so, how?
Yes, the Act temporarily allows municipal legislative bodies to change the date of the annual town meeting to a later date in 2022. The legislative body (i.e., selectboard, council, trustees, etc.) must vote, by approval of a majority of its total membership, at a duly warned meeting to move the date of its annual meeting. We recommend including reference to the Act in the motion, which must include a specific date to which the meeting is moved. Here's a sample motion: “I move, pursuant to Act 77 of 2022, to move the date of the 2022 annual municipal meeting to [enter date for meeting to be moved to, e.g., June 7, 2022]”
Keep in mind all of the related deadlines (e.g. for warning and notice, candidate consent forms, voter-backed petitions, town report, etc.) will shift as a result. The vote to move your annual meeting can happen even if you have already posted the warning for a March 1, 2022 meeting. You will just need to ensure you move the meeting to a date far enough into the future to meet the warning and notice deadline requirements for your rescheduled town meeting (i.e., not less than 30 nor more than 40 days before town meeting).

If your legislative body doesn’t use the authority granted by the Act to change the date of town meeting and it’s been warned to take place on its ordinary date, then it still can technically postpone a meeting through adjournment/continuation. Municipalities are required by law to meet every year on the first Tuesday of March for the election of officers and the transaction of other business, but that same law allows such meeting to be adjourned, i.e. postponed to another date. 17 V.S.A. § 2640(a). In order to postpone a meeting on the same day that it is held, at least three voters would need to assemble at the scheduled meeting place. Ideally, one person would be the moderator who would be accompanied by two additional voters who will be needed to make and second motions. The moderator would start the meeting, then one voter would make a motion to adjourn it to a date and time certain (e.g. June 30th) with the other seconding the motion. The advantage is that if the annual meeting were “postponed” in this manner, it would not have to be re-warned. The disadvantage is that there would be no way to guarantee that members of the public would not show up, which of course is the problem sought to be avoided in the first place. This course of action would require as much notice of the legislative body’s intention to postpone town meeting as possible beforehand to avoid unsafe gathering at the meeting place. Even so, it’s clear the Legislature has shown a strong preference to move the date of town meeting using the Act as this removes the necessity for any gathering.

Can the legislative body vote to delay town meeting or switch to Australian ballot if it has already posted and noticed the town meeting warning?
Yes. Legislative bodies can vote to move the date of town meeting or switch to using Australian ballot using the Act even if it has already noticed its town meeting warning and/or held its accompanying informational hearing. The last day the legislative body could vote to move the date of town meeting would be the day before the annual town meeting is scheduled. If the meeting date is changed, all applicable deadlines will also be delayed accordingly.

Can the legislative body require the town clerk to mail ballots to all active registered voters? If so, how?
Yes. Act 60 was a temporary law made permanent last legislative session which allows the legislative body to direct the town clerk and other local election officials to mail all active registered municipal voters an early voter absentee ballot to encourage absentee voting. The legislative body’s vote must take place at a duly-warned meeting of the legislative body. We recommend including reference to Act 60 (2021) in the motion which must pass by majority vote of the total membership of the legislative body. Note that Act 60 only gives this authority to towns, cities, and villages.
What happens to currently elected officers whose terms expire on March 1, 2022 if we postpone our town meeting to a later date in 2022?
The Act clarifies that the current municipal officers serve until the annual meeting is held and until successors are chosen which reflects 17 V.S.A. § 2646.

Our municipality votes from the floor on Town Meeting Day. Can we continue that practice?
Even though the State continues to publicly discourage large indoor gatherings, all event and gathering restrictions and requirements have been lifted, which means that Town Meetings may be conducted from the floor without limitation.

Does VLCT recommend holding our annual or Australian ballot public informational hearings in-person?
No, we continue to recommend against holding any in-person meetings. In our opinion, the only safe course of action, from a public health and liability perspective, is to either 1) switch to Australian ballot voting this year and hold your Australian ballot public informational hearing remotely, or 2) postpone your annual town meeting. The risk to the public health remains simply too great and the legal uncertainties too many for municipalities to hold such meetings at this time.

What is our liability exposure if we hold town meeting from the floor?
We don’t know, which is exactly why we continue to caution against conducting an in-person annual town meeting of any kind. If your municipality is considering conducting any portion of its annual town meeting in person, you will need to work in close consultation with your town attorney. You should also contact your insurance carrier for guidance and/or coverage information. VLCT PACIF members can contact the Underwriting team at 802-229-9111 or underwritingdept@vlct.org with questions concerning the town’s liability coverage.

Municipalities may face liability exposure in the unfortunate event that meetings put voters in an unsafe situation and someone contracts COVID-19 or voters are not afforded their constitutional right to vote because they’ve been denied entry for any reason including because a predetermined capacity limit has been reached or they refuse to wear a mask when required. There are also other legal and constitutional issues at play. Given the uncertainty regarding towns’ levels of liability exposure, the safest course of action is to either switch to Australian ballot voting and hold your public informational hearing remotely, or 2) change the date of town meeting using the authority granted by the Act.

We want to continue holding Town Meeting from the floor, but the building we ordinarily hold it in is too small to properly social distance. How do we change the location of Town Meeting to a larger venue?
The legislative body decides by majority vote where Town Meeting is held, so it can make this change by including the location of the new venue in the Town Meeting warning. The Town Meeting warning needs to be posted not more than 40 nor less than 30 days before Town Meeting.
Can we hold town meeting, including floor voting, remotely?
No. Except for Brattleboro’s Representative Town Meeting, there is currently no explicit authority in Vermont law for municipalities to conduct town meetings that are held from the floor by electronic means.

How do we switch to Australian ballot?
The legislative body must vote at a duly warned meeting to adopt the Australian ballot system of voting for the year 2022. Here’s a sample motion to use: “I move, pursuant to Act 77 of 2022, to apply the Australian ballot system to the 2022 annual municipal meeting.” The motion passes with the approval of a majority of the membership of the legislative body.

Under current law, only the municipality’s voters may vote to allow the switch to the Australian ballot system. However, Act temporarily allows a municipality to apply the Australian ballot system to its annual town meeting held in the year 2022 by vote of its legislative body.

We ordinarily vote all questions from the floor. Does the Act allow us to vote on some questions from the floor and others by Australian ballot?
While the temporary law doesn’t explicitly say one way or the other, we don’t believe that the Act allows for such bifurcated voting at town meetings held in 2022. Ordinarily, this approach would be permissible (and still is) if a town had previously approved voting on any or all public and/or budget question(s) by Australian ballot, thereby leaving all other questions to be disposed of from the floor. However, the Act on its face seems to contemplate an all or nothing option if switching to the Australian ballot system of voting for this year. The controlling language of the Act reads, in relevant part:

_Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A. § 711e that require the voters of a municipality to vote to apply the provisions of the Australian ballot system to the annual or special meeting of the municipality, in the year 2022, any municipality may apply the Australian ballot system to its annual municipal meeting held in the year 2022 by vote of its legislative body._

The use of the term "meeting" and not "public question(s)" or "budget article(s)" are notable when comparing this authorization to that provided for in 17 V.S.A. § 2680(a). This indicates that the Legislature intended only to give legislative bodies the authority to switch over to Australian balloting completely for an entire meeting. Keep in mind that the underlying purpose of the Act is to reduce in-person meetings in light of COVID-19 to eliminate risks to public health and safety, which is more likely using Australian ballot voting than it is voting from the floor.

What are the _minimum_ articles that we are required to vote on using Australian ballot at our annual meeting?
The minimum articles that municipalities must vote on are the same whether the vote is from the floor or by Australian ballot. The required articles are:

- Election of officers;
- Budget; and
- Any valid voter-backed petitions (please see our [Voter-Backed Petitions FAQs](#))

Vermont League of Cities & Towns
Is there a date by which the legislative body must vote to adopt the Australian ballot system for town meeting 2022?
Ideally, this decision should be made as soon as possible. In terms of an absolute deadline, this decision would need to be made prior to the approval of the warning for town meeting which is not less than 30 days before Town Meeting Day. The deadline may be even earlier if the town is going to mail out ballots to all active registered voters. Additionally, Town Meeting Day must be noticed not less than 30 days before the meeting.

If our municipality usually begins its floor meeting on the Monday, Sunday, or Saturday preceding the first Tuesday in March, what day do we vote if we switch to Australian ballot?
All Australian ballot voting must occur on the first Tuesday of March, even if a town has previously voted to hold its floor meeting on one of the three days immediately preceding that date. 17 V.S.A. § 2640(b). Of course, if the legislative body moves the date of the annual 2022 meeting under the Act, then this requirement doesn’t apply.

What if something prevents us from voting by Australian ballot or we vote after the deadline to notice the town meeting warning?
The legislative body may request that the Secretary of State waive any statutory deadlines or other statutory provisions, or provisions set forth in a town’s governance charter or a school district’s articles of agreement, related to a town election as necessary in order for a town to apply the Australian ballot system to its meeting. The legislative body may also postpone the annual meeting pursuant to the Act to allow for more time to prepare (see above).

If our legislative body decides to switch to Australian ballot for the 2022 town meeting, does it need to vote to switch back to floor voting for the 2023 town meeting?
No. The vote is only effective for the annual municipal meeting of the 2022 calendar year. After 2022, the town’s previous method of voting is automatically reinstated. From that point on, if the town wants to use the Australian ballot system to elect its officers, adopt its budget article(s), and/or vote on public question(s), it will have to vote at a special or annual meeting under 17 V.S.A. § 2680 to do so. Once adopted, the system of voting will remain in place until the town votes to discontinue its use.

Once the legislative body votes to switch to Australian ballot voting, can it switch back?
Yes. The legislative body can always change its mind, so long as a majority of its members agree. The legislative body has the option to use the Australian ballot system for only its annual municipal meeting for the calendar year 2022.

We ordinarily vote from the floor. Can we use this temporary authority to switch to permanently switch to the Australian ballot method of voting?
No. The Act specifically prohibits municipalities from using this temporary authority to permanently switch to Australian ballot voting for any and all articles, for any subsequent municipal elections.
We’ve never used the Australian ballot system of voting. How does it work?

Australian ballot voting is a method of voting at local elections recognized by Vermont general law. The term “Australian ballot” refers to a system of anonymous voting on warned articles using a pre-printed ballot. The town clerk is the presiding officer for all Australian ballot elections. Australian ballot voting is distinguishable from “floor voting” and voting by “paper ballot,” both of which occur during traditional, open style town meetings where a moderator facilitates the discussion and voting on town business. For more information about Australian ballot voting, please refer to our Australian Ballot Info Sheet. For practical information on Australian ballot voting and to view a sample ballot, please visit the Secretary of State’s Elections Division.

If we switch to Australian ballot, do we still need to elect a moderator?

Yes. The office of moderator is one of the offices that must be elected every year at a municipality’s annual meeting, regardless of how it votes. 17 V.S.A. § 2646(a).

When do ballots have to be ready?

Ballots must be available not later than 20 days before the local election. 17 V.S.A. § 2681a(a). Please consult VLCT’s Municipal Calendar 2021-2022 for this and other relevant deadlines. Note that, if the legislative body postpones the annual meeting pursuant to the Act, all relevant dates should be changed to correspond with the day on which the municipality will hold its annual meeting.

How do we present public questions using the Australian ballot system?

Public questions must be written in the form of a question, with boxes indicating a choice of "yes" and "no" directly under or to the right side of the public question. Some questions have required statutory language, such as a municipal vote to adopt the town manager form of governance. 24 V.S.A. § 1243. For sample town questions (articles), see our Model Town Meeting Articles.

How do we elect candidates to local office using the Australian ballot system?

The person receiving the greatest number of votes for an office will be declared elected to that office. 17 V.S.A. § 2682. In addition to receiving the greatest number of votes for an office, a write-in candidate must also receive at least 30 votes or the votes of one percent of the registered voters in the municipality, whichever is less. 17 V.S.A. § 2682a.

If we vote by Australian ballot, do we have to hold a public informational hearing?

Yes. The process for using the Australian ballot system requires a public informational hearing as a precursor to the vote. The legislative body must hold an informational hearing when a municipality uses this system of voting on any public or budget question. The informational hearing, which is administered by the legislative body, must be held within the 10 days immediately preceding the town meeting at which the Australian ballot system of voting is to be used. The purpose of the informational hearing is to afford the electorate an
opportunity to discuss the article(s) on which they will be voting. The hearing serves as the debate component that would otherwise accompany voting when conducted from the floor and it has not been waived.

**Does the informational hearing have to be warned?**
Yes. The informational hearing must be warned at least 10 days in advance of the hearing by posting notice of the hearing in at least two physical public places in town and in the town clerk’s office. Please consult VLCT’s Municipal Calendar 2021-2022 for relevant deadlines. See Our Remote Only Public Informational Hearing Notice.

**Can we hold the informational hearing remotely?**
Yes, and it is strongly encouraged you do so if you have the capabilities. The Act allows, but does not require, municipalities to conduct their informational hearings entirely by electronic means, without the need to designate a physical location for voters to attend in person. Any in-person informational hearing should include the option of remote public access in order to provide access to those who feel that it is unsafe to attend in person. If you are holding your public informational hearing either in-person only or as a hybrid hearing (in-person and remotely) please refer to our Model Australian Ballot Informational Hearing Notice.

If the public informational hearing is remote only, it must provide access electronically, and by telephone if feasible (see below).

**How do we hold a remote informational hearing?**
All members, staff, and members of the public may attend and participate in the remote hearing (e.g., by telephone, Zoom, GoToMeeting, Skype, etc.). Each legislative body member who attends electronically must identify themselves when the meeting is convened and must be able to hear and be heard throughout the hearing. The legislative body will not have to designate a physical location in order to meet and, therefore, no one is required to be physically present for the hearing. To hold the informational hearing associated with conducting the 2022 annual town meeting by Australian ballot, the municipality must:

- Use technology that permits the attendance of the public through electronic or other means
- Allow the public to access the hearing by telephone whenever feasible.
- Post information on how the public may access the hearing electronically and include this information in the published agenda for the hearing.
- Record the hearing unless unusual circumstances make it impossible to do so.

These requirements are the same exact requirements imposed by Act 92 last year. That means that for those municipalities that conducted remote informational hearings last year, they may conduct them the same way again this year so long as their voters or their legislative bodies have approved the use of Australian ballot voting for this year’s annual town meeting. For more detailed guidance, a checklist, and models for remote hearings, please refer to our Remote Only Public Informational Hearing Toolkit.
Can a municipality conduct its informational hearing electronically if it has previously voted to use the Australian ballot method of voting?
Yes. This temporary allowance isn’t restricted to those municipalities that vote to use Australian ballot by their legislative bodies for this year’s annual town meeting alone. It may be utilized by any municipality to conduct a public informational hearing in advance of its annual town meeting.

What constitutes “unusual circumstances”?
The term “unusual circumstances” is not defined, but impossible is a rather high hurdle to clear so we recommend recording the informational hearing if at all possible. Note that only one person must record the hearing, and most people have recording capabilities with smart phone devices. These recordings can be easily distributed via email and posted to the town’s official website. The recording will be considered a public record. Please contact the State of Vermont Archives and Records Administration (VSARA) for guidance regarding records management.

Does the new recording requirement mean we do not have to take minutes of informational hearings?
No, minutes are still required. The public informational hearing technically falls under the definition of a “meeting” which is being hosted by the legislative body so the requirements of the Open Meeting Law, including the taking and posting of minutes, must still be met. The new recording requirement for informational hearings held in conjunction with the use of Australian ballot voting for the 2022 annual town meeting is in addition to the minutes requirement under the existing Open Meeting Law, which has not been changed. Furthermore, Vermont’s election law states that “(t)he legislative body shall be responsible for the administration of this hearing, including the preparation of minutes.” 17 V.S.A. § 2680(h)(2)(A).

Does the town moderator preside over the informational hearing?
The legislative body, not the moderator, is statutorily responsible for the administration of this hearing, although informally many legislative bodies will defer to the moderator once such an informational hearing begins.

Can we amend articles on the town meeting warning at our informational hearing?
No. Once the town meeting warning is posted it can’t be altered without having to re-warn the town meeting. In contrast to voting on articles from the floor wherein debate can lead to amending the article preceding the vote, the purpose of the informational hearing is to inform the voters in preparation of their vote on the articles as they appear on the town meeting warning, not to inform the ballot. If, after the informational hearing, the legislative body deems it necessary to amend the warning, it will have to postpone the date of town meeting in order to comply with the statutory deadline for posting the amended warning. Alternatively, the legislative body may request that the Secretary of State waive the town meeting warning deadline if the town switched to using Australian ballot for this year under the Act.
Do we have to keep and post minutes for the informational hearing?
Yes. As previously stated, the informational hearing is technically a meeting of the legislative body so it must comply with all the requirements of VT’s Open Meeting Law (warning, agenda, open to the public, public comment, minutes). However, because the law governing how the informational hearing is noticed is more specific than the general law governing the noticing of meetings of public bodies, those notice requirements will control. Please see our Open Meeting Law FAQs.

Can candidates for local elected office introduce themselves, debate each other, and promote their candidacy during the informational hearing?
Yes, but not for an informational hearing held in conjunction with a floor meeting. Though that’s not the stated purpose behind the informational hearing, such activities aren’t prohibited. State law only expressly prohibits campaigning in the polling place. 17 V.S.A.§ 2411. Since the informational hearing is hosted by the legislative body, it is technically a meeting of the legislative body. This means that the legislative body can add whatever items it likes to its own agenda so long as it also gives time to discuss every budget and public article appearing on the warning; in that instance, we would recommend addressing those articles first. Depending on the number of articles to be discussed and the amount of public comment they engender, a separate candidates forum may serve as a more appropriate venue for these purposes. This too could be hosted by the legislative body by warning a special legislative body meeting with an agenda dedicated to providing equal time to the candidates.

Do candidates for local election still need to petition to get their names on the ballot?
No. S.223 (2022) specifically excuses candidates for local office from having to collect voter signatures in order to have their name placed on the ballot as a candidate for any local election held at a 2022 annual town meeting. Any candidate wishing to add their name to a ballot, however, must still complete the consent form and submit it to the town clerk. Please see the Secretary of State’s directive issued on January 20, 2021 pursuant to Act 1 (H.48) for guidance on consent forms. Contact the Elections Division directly with questions.

When do consent forms need to be filed?
Candidates need to submit their consent forms to town clerks “not later than 5:00 p.m. on the sixth Monday preceding the day of the election.” 17 V.S.A. § 2681(a)(1)(A). Consent forms may be withdrawn by notifying the town clerk in writing not later than 5:00 p.m. on the Wednesday after the filing deadline. 17 V.S.A. § 2681(d). Please consult VLCT’s Municipal Calendar 2021-2022 for relevant deadlines.

Do voter-backed petitions still require signatures?
Yes, but legislative bodies can choose to waive the petition requirement. A legislative body is required to honor (i.e. place the requested article on the town meeting warning) a voter-backed petition when:

- The subject of the petition is a matter over which the voters have been given specific authority in statute;
- The petition is received by the town clerk 47 days or more before the date of the annual meeting; and
The petition meets the other requirements of 17 V.S.A. § 2642(a)(3), including that it contains the signatures of at least five percent of the registered voters of the town.

This law has not been changed but, because the selectboard controls the town meeting warning, it can decide to waive the petition requirements.

In recognition of the public health hazard posed by people gathering signatures amid a global pandemic, legislative bodies may opt to lower the bar to entry on the town meeting warning by at least excusing the need for a petition with signatures. This is already commonly done with requests for social service appropriations. In recognition of this practice, our Model Social Service Appropriation Policy, excuses those social service agencies that have had an appropriation request approved at the most recent annual town meeting from submitting a petition for an article appropriating funding to their group if the amount requested is the same or less than the amount approved by the voters in the previous year. Legislative bodies seeking to lower this threshold should adopt a policy to ensure that its decision-making process is fair, impartial, and uniformly applied.

**Can voters use electronic signatures on their petitions?**

Only if the legislative body approves of the practice. The Legislature has yet to change any of the laws governing petitioned articles whether they be for the support of social service agencies or for placing articles on the town meeting warning. Therefore, the decision as to whether to honor electronic signatures, or to even require any signatures at all, currently resides with the legislative body.

Generally, whether electronic signatures can be used in the State of Vermont depends on the circumstances. Under the VT Uniform Electronic Transactions Act, if a law requires a signature, an electronic signature will suffice. An “electronic signature” is defined under the law as “an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.” 9 V.S.A. § 276(d).

This law, however, was written with the intention of applying to “transactions” as defined under the law, not local elections and therefore a legislative body would not be compelled to accept such signatures if submitted. Nevertheless, we recognize the benefit of having petitioners avoid the public health hazards associated with obtaining signatures during a time of pandemic by honoring electronic signatures. One possible option would be for the legislative body to adopt a resolution stating that, in recognition of the dangers wrought by COVID-19, it will honor electronic signatures on voter-backed petitions for all purposes for the duration of the upcoming calendar year (2022) under the circumstances it establishes (i.e. in compliance with the VT Uniform Electronic Transactions Act). The potential benefit of such an approach would be that even if the validity of a petition was challenged on the basis that the law does not recognize the use of electronic signatures for such a purpose, the placement of the article on the warning would still stand as it would have been initiated of the legislative body’s own accord.
How do we vote in the event of the need for a budget revote or a vote for reconsideration or rescission?
So long as the legislative body approved its use for the annual town meeting, voting would be by the same Australian ballot method of voting even if the municipality had not previously voted to use that method of voting. According to the Act, the Australian ballot method of voting will apply to any vote that occurs as a result of the annual meeting, such as a budget revote under 17 V.S.A. § 2680(c)(2) or a reconsideration vote pursuant to 17 V.S.A. § 2661.

What if no one submits a consent form to run in local office for an Australian ballot vote?
The ballot must have as many blank write-in lines as there are persons to be elected to that office following the names of the candidates. 17 V.S.A. § 2472(c). This creates the possibility of a write-in candidate being elected. To prevail, a write-in candidate must receive both the greatest number of voters and 30 votes or the votes of one percent of the town whichever is less. If no write-in candidate is elected by Australian ballot, 17 V.S.A. § 2682(d) will control. This law provides that a legislative body may appoint a town voter to fill the office until the next annual meeting so long as two conditions are met: (1) no person filed a petition to become a candidate for the office; and (2) no person was “otherwise” elected to the office through write-in. Unlike appointments made to fill a vacancy, where service continues until an election is had (24 V.S.A. § 963), an individual appointed under this law will serve until the next annual meeting. 17 V.S.A. § 2682(d).

What happens if there is a tie in an election for local office?
In the event of a tie, the legislative body within seven days must warn a runoff election to be held between 15 and 22 days after the warning. The runoff election will be limited to those candidates who were tied in the original election. However, if one of the candidates that is tied withdraws their candidacy within five days after the election, the town clerk must certify the other tied candidate as the winner, and there will be no runoff election. 17 V.S.A. § 2682b.

What happens if someone is elected to office by Australian ballot but later declines or refuses to serve?
If someone is elected by Australian ballot but refuses to serve (see 17 V.S.A. § 2654), the provisions of 17 V.S.A. § 2646 will control. This means the incumbent will continue to serve until 1) they resign, or 2) a successor is chosen. If the incumbent resigns, the law on vacancies will apply (see 24 V.S.A. §§ 961-963) and the legislative body must appoint someone to fill the vacancy until the next election is had. If not, a successor can be chosen at a special town meeting called either by the legislative body or upon receipt of a valid voter-backed petition, but in any event no later than the next annual town meeting.