

If a petition asks for a vote at the annual town meeting, is the selectboard required to place that article on the annual town meeting warning?

Yes, but only if:

- the subject of the petition is a matter over which the voters have been given specific authority in statute (see “Can the voters petition for any kind of article?” below);
- the petition is received by the town clerk not less than 47 days before the date of the annual meeting (see “Is there a deadline for submitting a petition?” below); and
- the petition meets the other petition requirements of 17 V.S.A. § 2642(a)(3) (see “Are there requirements about the content and format of a petition?” below).

Can the voters petition for any kind of article?

Yes, but a selectboard is not *legally required* to honor a voter-backed petition unless it deals with a matter over which the town voters have been given explicit authority in statute. Some examples of such authority include:

- making social service appropriations pursuant to 24 V.S.A. § 2691;
- voting to repeal the business property tax pursuant to 32 V.S.A. § 3849;
- voting to authorize the selectboard to hire a town manager pursuant to 24 V.S.A. § 1241;
- or
- voting to disapprove a town ordinance that has recently been adopted by the selectboard pursuant to 24 V.S.A. § 1973.

In some towns, a governance charter gives additional authority to voters.

If a voter-backed petition does not deal with a matter over which the town voters have been given authority in statute the selectboard may choose how to respond to that petition, including refusing to place it on the town warning or placing it under the non-binding, advisory section of the warning. A town is under no legal obligation to warn a vote on a matter that is “frivolous, useless or unlawful” or is not “within the province of the town meeting to grant or refuse through its vote.” *Royalton Taxpayers v. Wassmandsdorf*, 260 A.2d. 203 (1969). A selectboard should be cautious about allowing a vote on a petitioned article even though it is not legally required to do so, since the voters will expect a selectboard to abide by the results of that vote, even if it is warned as a non-binding, advisory article.

May a petition contain more than one proposed article?

Yes. State law explicitly allows this practice. “A petition submitted . . . may include more than one proposed article.” 17 V.S.A. § 2642(a)(3)(C)(i).

Is there a deadline for submitting a petition?

Yes. If an otherwise valid voter-backed petition is submitted for inclusion on the warning for the annual town meeting it must be received by the town clerk “not less than 47 days before the day of

the [town] meeting.” 17 V.S.A. § 2642(a)(3)(A). However, as explained in “What must a clerk do when they receive a petition?” below, there are instances in which a town clerk must allow petitioners additional time to file supplemental petitions. Note that if a town has voted to move its annual town meeting to any of the three days immediately preceding the first Tuesday in March, as allowed by 17 V.S.A. § 2640(b), the petition deadline will also be moved to an earlier corresponding date. Also note that if the last day for filing petitions and supplemental petitions falls on a Saturday, Sunday, or legal holiday, then the deadline “shall be extended to 5:00 p.m. on the next day that is not a Saturday, Sunday, or legal holiday.” 17 V.S.A. § 2103(13).

Are there requirements about the content and format of a petition?

Yes. A petition must contain all of the following:

- the signatures of at least five percent of the registered voters of the town;
- the petition language on every page on which signatures are collected; and
- the printed name, signature, and street address of each registered voter who signed the petition. 17 V.S.A. § 2642(a)(3)(C).

If any of the above information is missing from a petition, a town clerk must proceed as described in #6 below. In addition, a petitioned article cannot include an opinion or comment about the matter to be voted upon, as per the law governing improper influence. 17 V.S.A. § 2666.

What must a clerk do when they receive a petition?

A town clerk must “immediately proceed” to examine a petition to determine whether it conforms to the law (meets the requirements listed in “Are there requirements about the content and format of a petition?” above). 17 V.S.A. § 2642(a)(3)(B). If a petition does not meet all of the legal requirements, the town clerk must mark the petition with the reason(s) why the petition cannot be accepted and, within 24 hours of receipt, return the petition to the petitioners. At that point, if the filing deadline has not passed, the petitioners have additional time to file supplemental petition(s) with the necessary corrections. In addition, in some instances, the petitioners must be given additional time past the deadline (as described in “What happens if a petition is filed after the deadline?” and “What happens if a petition is filed on the deadline and it has the correct number of signatures but not all of the signatures are from registered voters? below). Once a town clerk is satisfied that a petition conforms to the law, they must forward the petition to the selectboard for a determination of whether it must be honored (see “Can the voters petition for any kind of article?” above).

What happens if a petition is filed after the deadline?

If the petition is turned in after the filing deadline it must be rejected by the town clerk.

What happens if a petition is filed on the deadline and it has the correct number of signatures but not all of the signatures are from registered voters?

The petitioners must be notified of the defect and granted an additional 48 hours to file supplemental petition(s) that contain the correct number of signatures of registered voters (and that meet all of the other requirements of 17 V.S.A. § 2642(a)(3)(C). Although the law requires that the petitioners obtain the requisite number of signatures on or before the filing deadline, it gives petitioners additional time if it turns out that those signatures are not all from registered voters of the town.

What if a petition is otherwise defective but is filed on the deadline?

If the petition contains the correct number of signatures but fails to meet any of the other legal requirements of 17 V.S.A. § 2642(a)(3)(C) (listed in "Are there requirements about the content and format of a petition?" above), the petitioners must be given an additional 48 hours to file supplemental petition(s) that meet all of the legal requirements of 17 V.S.A. § 2642(a)(3)(C).

Below is a table that shows the various scenarios for petitions that are received on the date of the 47-day filing deadline, and how those petitions should be treated by the town clerk:

Petition contains the requisite number of signatures?	Petition contains the requisite number of signatures of registered voters?	Petition contains the petition language on every page and contains the printed name, signature, and street address of each voter who signed the petition?	What should the clerk do?	What actions must be taken by petitioners?
Yes	Yes	Yes	Accept the petition.	N/A
Yes	No	Yes	Return the petition to petitioners within 24 hours of receipt.	Petitioners have 48 hours after receipt from the clerk to submit supplemental petition(s) to comply with all of the legal requirements for petitions.
Yes	Yes	No	Return the petition to petitioners within 24 hours of receipt.	Petitioners have 48 hours after receipt from the clerk to submit supplemental petition(s) to comply with all of the legal requirements for petitions.
Yes	No	No	Return the petition to petitioners within 24 hours of receipt.	Petitioners have 48 hours after receipt from the clerk to submit supplemental petition(s) to comply with all of the legal requirements for petitions.
No	Does not matter	Does not matter	Reject the petition.	N/A

Should a town clerk assist petitioners? Town clerks should be cautious in their communications to petitioners and resist the urge to be overly helpful. Although a town clerk must assess the legal sufficiency of a petition, they should not provide legal advice or drafting assistance to petitioners. Petitioners who need help should be directed to contact the Vermont Secretary of State's Elections Division (1-800-439-8683) or to seek their own legal counsel.