

## LEGAL AND REGULATORY NOTES, NOVEMBER 2016

### Drafting Articles for the Annual Town Meeting Warning

The warning for the annual town meeting is the document that lists the business to be transacted at that meeting. Vermont law requires that the town meeting warning contain the following information:

1. the date, time, and location of the meeting;
2. the nature of the meeting (whether it is a town meeting or school meeting);
3. the business to be transacted, by separate articles, including the offices and the questions to be voted upon (these must include any valid articles requested by a voter-backed petition filed pursuant to 17 V.S.A. § 2642);
4. the date, location, and time of all polling places when voting by Australian ballot; and
5. the signatures of a majority of the members of the town selectboard, school board, or both for a combined warning. 17 V.S.A §§ 2641 et seq.

The posted notice that accompanies the annual town meeting warning must include information on voter registration, information on early or absentee voting where applicable, and other appropriate information. 17 V.S.A. § 2642(b). The warning and notice must be posted not more than 40 nor less than 30 days before the meeting in at least two public places in the town and in or near the town clerk's office. If the town has more than one polling place and the polling places are not all in the same building, the warning and notice must be posted in at least two public places within each voting district and in or near the town clerk's office. 17 V.S.A. § 2641. In addition, the warning must be published in a newspaper of general circulation in the town at least five days before the meeting, unless the warning is published in the town report and distributed as provided in 24 V.S.A. § 1682.

The articles listed on the annual town meeting warning must include all of the offices to be elected and the questions to be voted upon. There are some articles for which a town must use the wording that is articulated in state statute. For most articles, however, there is no language mandated or suggested in statute and selectboards are left to craft town meeting articles from scratch. As such, there is quite a bit of variation from one town meeting warning to another. Selectboards must be cautious, however, as articles that are not worded carefully may cause confusion among voters. Worse yet, articles that are not carefully worded may be legally ineffective.

To help avoid uncertainty and legal challenge, the Municipal Assistance Center has developed model town meeting articles covering the subjects that are most commonly voted at town meeting. These model articles are contained in the VLCT Memo on Model Articles for Town Meeting, which is available on our [Town Meeting Resources webpage](#). These articles can be used in conjunction with the VLCT Model Town Meeting Warnings, which are available in six different formats, depending on whether the warning is for town meeting only or is a combined warning for the town and school meetings. The models are also organized by whether voting will

be conducted by floor vote only, Australian ballot only, or by a combination of floor vote and Australian ballot. You can view and download the model warnings [here](#).

If you have questions about articles to be voted on at town meeting, or need assistance crafting town meeting warning, contact the Municipal Assistance Center at 800-649-7915 or [info@vlct.org](mailto:info@vlct.org).

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