

Clerks' Webinar

Town and School Meeting Petitioned Articles, School Elections and Formation of Union School Districts

Presented By:

VLCT Municipal Assistance Center
Vermont School Boards Association
Vermont Secretary of State



The Process for Dealing with Voter-Backed Petitions

Municipal Assistance Center, VLCT

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DECEMBER 2015

Voter-Backed Petition

“The warning shall also contain any article or articles requested by a petition signed by at least five percent of the voters of the municipality and filed with the municipal clerk not less than 47 days before the day of the meeting.”

17 V.S.A. § 2642(a)(3)(A)



Deadline

Deadline is “not less than 47 days before the day of the [town] meeting.” 17 V.S.A. § 2642(a)(3)(A)

If the last day for filing falls on a Saturday, Sunday, or legal holiday, then the deadline shall be extended to 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. 17 V.S.A. § 2103(13)

In 2016, the deadline will fall on Thursday, January 14



Number of Articles Per Petition

A single petition may include more than one proposed article.

17 V.S.A. § 2642(a)(3)(C)(i)



Prohibited Content

“Neither the warning, the notice, the official voter information cards, nor the ballot itself shall include any opinion or comment by any town body or officer or other person on any matter to be voted on.”

17 V.S.A. § 2666



DECEMBER 2015

Clerk's Obligation to Review

“The clerk receiving the petitions shall immediately proceed to examine them to ascertain whether they contain the required number of signatures of registered voters... If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt, he or she shall return it to the petitioners.”

17 V.S.A. § 2642(a)(3)(B)



Additional Obligation to Review

A petition ...

shall contain the petition language on each page on which signatures are collected; and shall include the printed name, signature, and street address of each voter who signed the petition.

17 V.S.A. § 2642(a)(3)(C)



Advice Regarding Review

A clerk should review a voter-backed petition for:

- 1. Submission on or before the deadline;**
- 2. Contains the signatures of at least 5% of the registered voters of the municipality;**
- 3. Contains the petition language on each page on which signatures are collected; and**
- 4. Includes the printed name, signature, and street address of each voter who signed the petition.**



Obligation to Return

“... If found not to conform, he or she shall state in writing on the petition why it cannot be accepted, and within 24 hours from receipt, he or she shall return it to the petitioners.”

17 V.S.A. § 2642(a)(3)(B)



Petitioner's Supplement

“... supplementary petitions may be filed not later than 48 hours after the petition was returned to the petitioners by the clerk or the filing deadline ... whichever is later.”

17 V.S.A. § 2642(a)(3)(B)



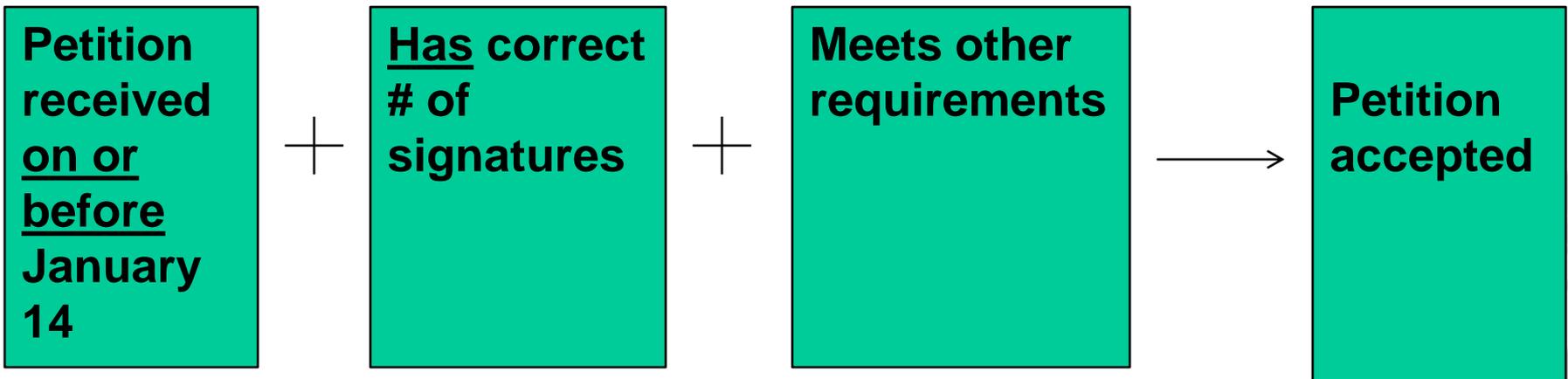
Petitioner's Supplement

“... However, supplementary petitions shall not be accepted if petitions with signatures of different persons totaling at least the number specified in subdivision (A) of this subdivision (3) were not filed by the filing deadline.”

17 V.S.A. § 2642(a)(3)(B)



Process



Process

Petition
received
before
January
14

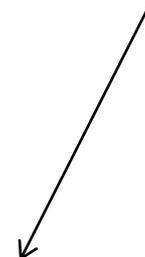


Does not
have
correct # of
signatures

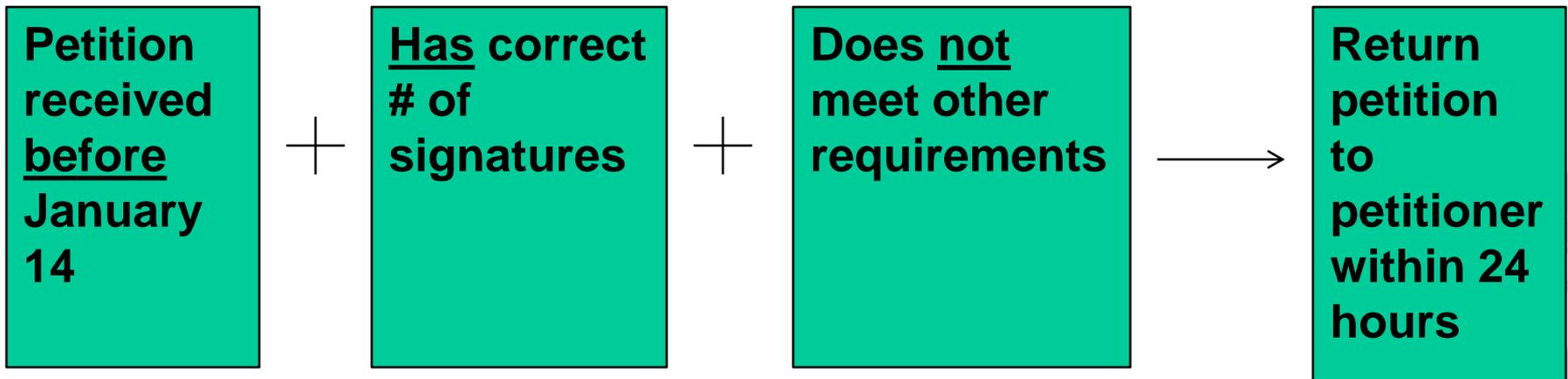


Return petition
to petitioner
within 24 hours

Petitioner has until January 14 (no
later) to submit a new or
supplemental petition with the
requisite number of signatures

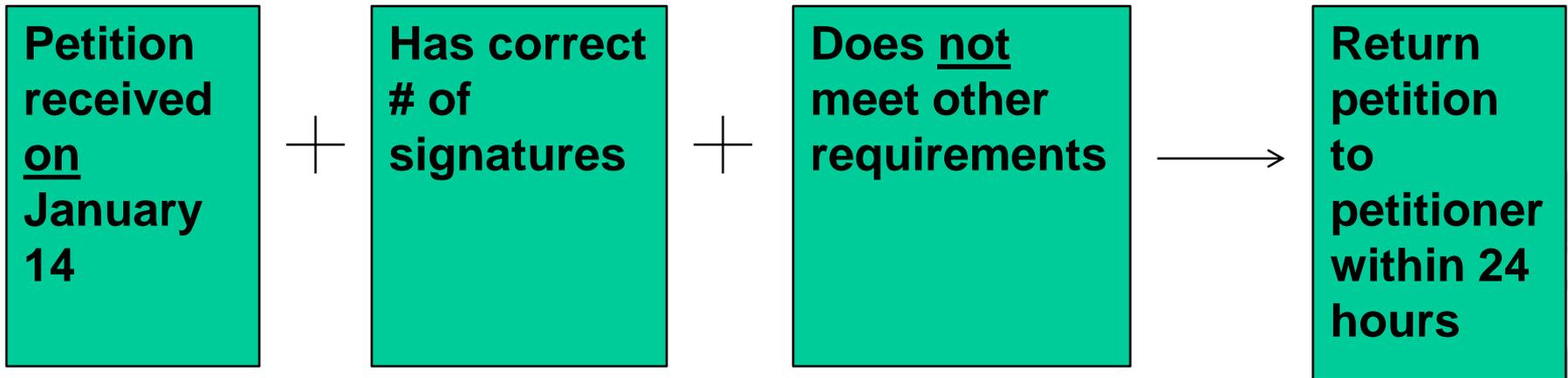


Process



Petitioner has 48 hours after receipt from the clerk, or until January 14, whichever is later, to submit a new or supplemental petition

Process



Petitioner has 48 hours after receipt from the clerk (even though that is past the deadline) to submit a new or supplemental petition

CORRECTIONS to VLCT Calendar

INCORRECT DATE: January 22 (Within 24 hours of receipt) Clerk must return to petitioners any invalid petitions stating in writing why they can't be accepted. 17:2642(a)(3)(B)

CORRECTED DATE: Friday, January 15



DECEMBER 2015

CORRECTIONS to VLCT Calendar

INCORRECT DATE: January 24: (48 hours after petitions returned) Last day for filing of supplementary petitions if at least five percent of the voters of the municipality signed the original petitions. 17:2642(a)(3)(B)

CORRECTED DATE: Tuesday, January 19



CORRECTION to VLCT Calendar

Petition received on January 14 which has the correct # of signatures but does not meet other petition requirements



Return petition to petitioner within 24 hours (January 15)



Petitioner has 48 hours after receipt from the clerk (until January 17th) BUT that is a Sunday



Automatic extension from Sunday 17th to the next day that is not a Saturday, Sunday, or holiday

The deadline for filing supplemental petitions (assuming that there was a petition filed on the deadline that contained the correct # signatures) **is Tuesday, January 19th**



Questions

