

# THE MEETING WILL COME TO ORDER

## A VOTER'S GUIDE TO TOWN MEETING PROCEDURE

Since 1762, Town Meeting has been the basic system of governance for Vermont towns. The annual meetings are held in most towns in the state on the first Tuesday of March. Fire districts, school districts, villages, even some cities hold meetings at which voters have an opportunity to speak and be heard and vote on budgets and other articles affecting the life of the municipality.

These “meetings” aren’t meetings of Select Boards or other municipal bodies. Town Meetings are meetings of the voters, where binding action can be taken based on warned articles on the floor, usually after debate or discussion.

Town Meeting is the one time of the year when voters are in charge; Select Boards and other town officials get their marching orders on appropriations and policy. If you don’t go to Town Meeting, you can’t beef about what goes on during the rest of the year. Some people go to Town Meeting and leave in frustration. They are put off by the formality of the meeting. They don’t understand the basic rules of parliamentary procedure, and may be embarrassed to ask how to frame a motion, make an amendment, or ask for a paper ballot vote on a question.

This pamphlet was developed to provide the basic rules on the conduct of town and other municipal meetings. Knowing how it all works—how motions are handled, the role of the moderator, voting methods, and more—is critical for anyone who wants to play an active part in the Vermont Town Meeting.

## Warning and Notice for Town Meeting

State law requires that Town Meetings be warned for thirty to forty days. The warning and notice are posted in at least three public places in town, including the town clerk’s office. They are published in a newspaper of general circulation at least five days before the meeting, unless the town puts it in the town report.

The warning and notice announce the date, time, place, and agenda of the meeting. They also give information on voter registration, including the cut-off date for applying for addition to the checklist (which is always at noon on the third Saturday preceding Town Meeting day). If the Australian ballot is used, the warning and notice provide infor-

mation about when polls open and how to get an absentee ballot.

### Getting Articles on the Warning

The warning for Town Meeting is prepared by the Select Board; it includes articles proposed by the Board that deal with town business. Sometimes articles suggested by individual townspeople will be included on the warning; otherwise, voters may petition to have articles added to the warning for consideration at the Town Meeting (as long as the subjects of the articles are not illegal, frivolous, or beyond the authority of the electorate). Petitions must be signed by five percent of the voters on the checklist, and the town clerk must

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## The Basic Law of Town Meetings

Town Meetings in Vermont are governed by *Robert’s Rules of Order\**, as amended by several state laws:

- ◆ Only warned articles can be considered at Town Meeting. No articles or subjects may be raised that did not appear on the warning.
- ◆ Once an article has been decided, whether voted up or down, it cannot be reconsidered after the assembly has taken up work on another article; for an article to be reconsidered a new warning and meeting are required.
- ◆ While *Robert’s Rules* require a majority vote to request a paper ballot, state law permits seven voters to request one (unless the town has adopted a higher threshold for paper ballots).

*Robert’s Rules of Order* are published in various editions (references in this pamphlet are based on the 1990 edition). Buy and read the latest edition. Stick with it; the time you spend will be worth the effort. Remember to bring your copy of *Robert’s Rules* to Town Meeting, and don’t hesitate to use it to raise issues of procedure with the moderator.

*\*A town may adopt some other rules of order if it chooses.*

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receive petitions at least forty calendar days before Town Meeting.

A petition should begin with the statement "We, the undersigned voters of the town, hereby petition the Select Board to add the following article to the warning for the annual meeting:". This statement should appear on each page of the petition.

Examples of articles that might be added to the warning by petition include a request for an appropriation for a social service organization, a proposal to change the size of the Select Board, a request that the delinquent-tax collector be put on salary in lieu of fees, or a recommendation that budgets be voted by Australian ballot in the future. A petitioned article might set a time for Town Meeting to begin, change the location of the town polling place, change the town from a calendar to a fiscal year, or require the town plan to be approved by the electorate rather than the Select Board.

Petitions may also cover political subjects of interest to petitioners, but must do so in an advisory way. For example, an article might suggest that the electorate support or oppose a particular bill, urge the legislature to adopt or prohibit something, or send a message to the governor, the president, or even the United Nations, expressing its position on a particular issue.

Don't waste your time trying to remove a public officer or to restrain the school board from entering into a contract with teachers by a petitioned vote. Some things voters simply don't have the authority to do.

Make sure your petition has a place for each voter's signature and printed name and address. Get plenty of signatures (in addition to the minimum) to ensure that a sufficient number of names on your petition are legitimate voters on the checklist and that the petition will survive a challenge by the town.

## Elections

Many smaller Vermont towns still elect officers at Town Meeting. This process begins with an article that lists the positions to be filled.

Usually the election of a moderator is the first order of business at Town Meeting; the moderator sometimes steps down for this election, to avoid any appearance of a conflict, and a member of the Select Board conducts the election. For the other officers, the moderator oversees the formalities. Selectpersons, listers, and auditors must be elected using paper ballots; the others may be elected by voice vote.

The moderator first announces

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that the floor is open for nominations. No second is required, according to *Robert's Rules*, though many towns still require a second. The moderator allows a reasonable amount of time for nominations to be made, and then asks for a motion to close nominations. This is one of the motions that requires a two-thirds vote, although it is usually done without a standing or paper ballot count.

If only one candidate has been nominated for any office, including those that require a paper ballot, the moderator may ask the assembly for a motion for the clerk to cast one ballot for the nominee. This speeds things along and allows the body to get on to the next order of business.

If there are three or more candidates and, after three votes, no candidate receives a majority vote, the candidate with the fewest votes is dropped from nomination. This process continues until there are two candidates which, with the exception of a tie, will lead to a majority vote for one of the candidates. In the case of a tie, no choice is made and another vote is taken.

## Voting

Three voting methods are used at Town Meeting. The most common is the *voice vote*, also called *viva voce*. The moderator asks those in favor of the motion to say "aye" and then those opposed to say "no," and then announces the outcome of the vote. Another version of this kind of voting is a show of hands by each side. If any voter disagrees with the moderator after the vote is announced, the voter may ask for a *division* or standing vote.

If seven or more voters disagree with the moderator after this vote is announced (or if they would prefer begin the voting with a ballot vote), they may call for a *paper ballot*. Sometimes a checklist and a ballot box are used in this method; sometimes tellers simply collect the ballots and count them on a table in front of the room.

## The Role of the Moderator

The moderator serves as presiding officer at Town Meeting; it is the moderator's job to maintain order, to put motions to a vote of the assembly, and to rule on all votes and other questions of order. A moderator manages the proceedings by serving as the central, focal point of the meeting. All motions and remarks should be addressed to the moderator, who has the right to order an unruly voter or visitor to the meeting to withdraw, on penalty of a \$200 fine.

Ensuring that only voters cast ballots is another job of the moderator. Sometimes voter cards

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# Basic Parliamentary Motions

Discussion and decision making at Town Meeting are based on motions, which set the assembly into action. Following are some basic motions used at Town Meeting:

## The Main Motion

This motion is used to convert articles as they appear on the warning into proposals the assembly can consider, perhaps amend, and vote on. An article to, for instance, “see what sum the town will raise for highways,” needs to be changed into an active proposal. A voter recognized by the moderator might say, “I move the town appropriate \$120,000 for highways.” The main motion requires a second, and is then ready for debate.

## The Amendment

Amendments propose to change the main motion. In our example, a voter might say, “I move to amend the main motion to read ‘\$100,000 for highways.’” After being seconded, debate on the motion then shifts to the amendment. When debate is over and there are no further amendments pending, the moderator will put the amendment to a vote. If it passes and there are no other motions, the main motion as *amended* is voted on.

*Robert’s Rules* recognize that voters can make any number of amendments before finishing work on the

main motion, but the moderator may accept two amendments on the floor at any time. As soon as one is adopted or defeated, another may be made to take its place. If two amendments have been debated and no others are raised, the moderator presents the last amendment first for a vote, then the other amendment. The main motion is then amended by the amendments that have passed, and debated and voted on accordingly.

## Point of Order/Appeal

If you don’t understand a ruling of the moderator, speak up, saying “Point of order, Mr. (or Ms.) Moderator.” After the moderator recognizes you, ask your question. If you disagree with the moderator’s ruling, you may appeal his or her decision. The moderator is obligated to ask the assembly, “Shall the moderator’s decision be sustained?” If a majority of voters say “no,” the ruling is overturned.

## Passover

Sometimes it becomes clear to voters that they don’t want to vote “yes” or “no” on all article; they would prefer to not vote on the article (main motion) at all. Traditional Vermont Town Meeting practice calls this a motion to pass over; *Robert’s Rules* treat this as two motions. If offered before a main motion is

made, it is a motion to object to consideration of the question, and it takes a two-thirds vote of those present and voting. If offered after a main motion is made it is a motion to postpone indefinitely and only a simple majority is required.

## Division

Occasionally an article has more than one part. Voters may want to consider the parts separately, and so may move to divide the question. Take an article to “abolish the office of delinquent-tax collector and transfer those duties to the constable, who will be paid a salary for this service and the eight percent penalty will be paid to the town general fund.” A voter may move to divide the question into two parts, one on abolishing the office and having the constable collect the tax and the other on what to do about compensation. If a majority of the voters agree to the division, the moderator takes up each part separately, as though there were two articles.

## Limit or Cut Off Debate

If voters feel that debate on a certain article could go on all night if some control mechanism were not in place, someone might move to limit debate, say to a total of twenty minutes. If two-thirds of the voters agree, debate can be so limited. In a case where debate has gone on long enough—voters have made up their minds but some people are still repeating the basic arguments—a voter could move to cut off debate. Again if two-thirds of voters present and voting agree, debate will end and a vote will follow. *Robert’s Rules* calls the motion to cut off debate a “previous question” motion.

## Adjourn

Voters at Town Meeting may make a motion to adjourn at any time; a simple majority is required to pass the motion. Often the motion to adjourn appears as the last article on the warning, and while there’s often good reason to try to complete the agenda, sometimes it’s just too late to continue. The meeting may adjourn to another day, if the motion specifies the time of reconvening.

## Proper Amendments

Remember that a Town Meeting can’t take up an issue unless it is warned. The same general principle applies to amendments. You can’t take an article to buy a truck and amend it to buy a road grader, because the amendment raises a subject that hasn’t been warned. For the same reason, you can’t convert an article to raise money by taxes to an article to borrow money to pay something.

Amendments must be *germane* to the motion they seek to amend, meaning that the amendment relates to the motion. An amendment cannot introduce a new and independent question or raise an issue (disguised as an amendment) previously decided by the assembly.

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are required, which are distributed to voters at the door and held high to signal the casting of a vote when one is called. In other cases, the moderator may isolate nonvoters by requiring them to stand in a special section of the room. Consulting checklists at the door or when paper ballots are called also helps ensure that only legitimate voters cast votes.

## Non-Voters at Town Meeting

There may be situations when a nonvoter will be asked to speak at Town Meeting. This might be a superintendent, a legislator, or someone with expertise in a particular area. These people do not have a *right* to participate in Town Meeting; only if no voters object may they speak.

The moderator will say, "If no one has an objection, we will let the superintendent answer that question." If a voter does object, the moderator will call for a vote on the question, and a two-thirds vote will be required to permit the nonvoter to speak.

## Reconsideration and Validation

*Reconsideration* is required if voters wish to take another look at an article already voted on at Town Meeting. By Vermont law, this has to happen at a separate meeting from the one where the original vote was taken, if the assembly has finished its work on the article and begun work on another. If the body chooses, however, before taking up another article, it may vote to reconsider an article just voted (up or down), by a formal motion, second, discussion, and vote first to reconsider the action just taken and then—if a majority agrees with a new vote—on the article itself.

Otherwise, a Select Board may order a new vote on its own motion at any subsequent town meeting, but voters seeking reconsider-

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**Ensuring that only voters cast ballots is another job of the moderator. Sometimes voter cards are required, which are distributed to voters at the door and held high to signal the casting of a vote when one is called.**

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ation have to submit a petition to the Board no later than thirty days from the date of the first vote or be bound forever to the outcome of the initial vote. The petition needs the signatures of at least five percent of the checklist, and only one petition for reconsid-

eration is allowed without the permission of the Board.

The Board may submit a question for reconsideration and re-vote as many times as it chooses, except in the case of bond votes. A Board may not submit the same capital improvement to a bond vote more than twice in the same twelve-month period.

*Validation* allows for smoothing over procedural problems in the warning or the conduct of the election. Either by petition or by motion of the Board, an article to validate the action of a meeting asks the voters to decide, "Shall the action taken at the meeting of this town [or city, village, school district, or other] held on [date] in spite of the fact that [state error or omission], and any act or action of the municipal officers or agents pursuant thereto be re-adopted, ratified, and confirmed?"

## Other Business

State law explains that, "The article entitled 'other business' shall not be used for taking binding municipal action, and the moderator shall so rule." Some moderators will not entertain any motion when the town gets to "other business" on the warning. Others may allow non-binding motions, such as a motion to recognize the hard work of Town Meeting organizers.

## The Vermont Institute for Government

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The Vermont Institute for Government (VIG) is a nonprofit corporation dedicated to improving educational opportunities for local officials and the public. VIG encourages the use of the information in this pamphlet for the education of Vermonters. Credit should be appropriately given to VIG.

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