

MODERATOR

Roles and Responsibilities

For the majority of Vermont towns that vote on town business and elect officers at an annual open town meeting, the moderator is a very visible and very important official. The moderator is the presiding officer at town meetings, and it is he or she who conducts the annual meeting, who keeps order, and who ensures that the business of the meeting proceeds in a fair and efficient manner and that those who wish have an opportunity to participate in the process.

- The moderator is the first official who is elected after town meeting convenes. He or she serves for a term of one year. 17 V.S.A. § 2646(1). The moderator does not have to be sworn before taking office. 24 V.S.A. § 831. If the moderator is absent, a selectboard member presides until a moderator *pro tempore* is chosen. 17 V.S.A. § 2657.
 - The moderator usually reviews the proposed warning of the annual meeting with the selectboard (if it agrees to this) to ensure that the questions are written and ranked properly. The moderator should review the warning prior to the meeting, and should discuss with the selectboard who will move and second each item after it has been read.
 - The moderator must follow reasonable and necessary procedures to ensure that persons who are not voters of the town do not vote. 17 V.S.A. § 2656. Non-voters may not participate in the meeting without permission of the assembly.
 - The moderator calls the meeting to order at the appointed time, announces its business, decides all questions of order, makes public declarations of the votes (except Australian ballot votes), and preserves order and decorum at all times. 17 V.S.A. § 2658. The moderator may have a persistently disorderly person removed by the constable, and a person who refuses to leave may be fined up to \$200. 17 V.S.A. § 2659.
 - Under 17 V.S.A. § 2658, *Robert's Rules of Order* or some other rule of order adopted by the town must be used to govern town meeting. However, when state statute provides for particular rules of procedure, those rules will take precedence over *Robert's*. For example, state law permits a vote by paper ballot if requested by seven voters, unless the town has provided for some other procedure. (In contrast, *Robert's* requires a majority vote.) 17 V.S.A. § 2658. A meeting can be "divided" on the request of one voter, requiring all those who voted in favor to stand and be counted, and then all those opposed to do the same. 17 V.S.A. § 2658. Unlike *Robert's Rules*, state law prohibits reconsidering an article that has been voted on once the assembly has begun work on another article (17 V.S.A. § 2661), and action can only be taken on warned articles so that amendments to warned articles must be germane, and items taken up as "other business" cannot be binding on the town. 17 V.S.A. § 2660(d).
 - The moderator is often improperly requested to perform responsibilities which go beyond the role of moderator. For example, the moderator may be called upon to determine the eligibility of a particular voter, or to decide whether a particular motion or amendment is legal. The moderator may know if the challenged voter, is, in fact, eligible to vote, or if the amendment is legal, but he or she must ask the board of civil authority to rule on the former, and the town attorney to provide advice on the latter question.
- ☛ **For more information on the position of town moderator, please consult VLCT's *Handbook for Vermont Moderators and Vermont Town Meeting Handbook* (call 800-649-7915 to order), as well as *Robert's Rules of Order*, available at most bookstores.**