

How are “special” town meetings noticed?

A “special” town meeting is a meeting of a town held on some day other than its annual meeting and which can be initiated upon the application of five percent of the voters or by the selectboard when it deems it necessary. 17 V.S.A. § 2643(a).

The voters may petition for a special town or annual meeting so long as its purpose is not “frivolous, useless or unlawful.” *Royalton Taxpayers v. Wassmandsdorf*, 260 A.2d. 203 (1969). The Vermont Supreme Court has stated that a selectboard cannot be compelled to present a petitioned article on a town meeting warning if the article does not “set forth a clear right which is within the province of the town meeting to grant or refuse through its vote.” *Clift v. City of South Burlington*, 2007 VT 3, ¶6, quoting *Royalton Taxpayers’ Protective Assoc. v. Wassmansdorf*, 128 Vt. 153, 160(1969). Some examples of voters’ authority to petition for a special town meeting include overriding ordinances approved by the selectboard (24 V.S.A. § 1973), filling vacancies in elective offices (24 V.S.A. § 962), and approving the conveyance of town real estate (24 V.S.A. § 1061(a)(2)).

A selectboard, on the other hand, may call a special town meeting at any time for any reason, but must do so when required by law. Examples of when a selectboard must call a special town meeting include when it receives a valid voter backed petition as previously mentioned and when it is seeking to incur bonded indebtedness (24 V.S.A. § 1755(a)), approve charter amendments (17 V.S.A. § 2645), and for some towns approve zoning regulations (24 V.S.A. § 4442(c)(2)) outside the timeframe of an annual town meeting. Other times a selectboard may call a special town meeting to gauge public opinion on a particular course of action, make an important announcement, or inform and/or seek feedback from the public.

To “call” a special town meeting means to set a date for when it is to occur. For example, the selectboard must “call” a special town meeting “within 15 days of receipt of the [voters’] application by the legislative body.” 17 V.S.A. § 2643(a). This means that the selectboard has a 15-day window to warn a special town meeting petitioned by the voters. The actual meeting date then must be “not less than 30 nor more than 40 days” from the date it is warned. 17 V.S.A. § 2641(a).

The warning and notice requirements for a special town meeting are the same as those for the annual town meeting and include:

- posting a warning and notice in at least two public places in town as well as in or near the town clerk’s office not less than 30 nor more than 40 days before the meeting; **and**
- publication of the warning in a newspaper of general circulation in the town as designated by the selectboard at least 5 days before the meeting **or** distribution of the warning in written form to all town postal patrons at least 10 days before the meeting. 17 V.S.A. § 2641.

The **warning** must include:

- the date and time of the meeting or election;
- location of the polling place or places; and
- the nature of the meeting or election.

As with warnings for annual town meetings, the warning for special town meetings must be signed by a majority of the selectboard and filed with the town clerk for recording before being posted.

The **notice** must include:

- information on voter registration; and

- information on early or absentee voting. 17 V.S.A. § 2642.

As a final note, please be aware that, depending on the reason for the special town meeting, it may require Australian ballot voting, even if a town has not previously adopted this type of voting, as well as an accompanying informational hearing.

Garrett Baxter, Staff Attorney II
VLCT Municipal Assistance Center