

1 S.172

2 Introduced by Senator White

3 Referred to Committee on

4 Date:

5 Subject: Elections; local elections; annual municipal meetings; alternative  
6 procedures; COVID-19

7 Statement of purpose of bill as introduced: This bill proposes to authorize  
8 municipalities to:

9 (1) by vote of the municipal legislative body, apply the Australian ballot  
10 system to the municipality's 2022 annual meeting; and

11 (2) move the date of the municipality's 2022 annual meeting to a  
12 potentially safer date later in the year.

13 An act relating to authorizing alternative procedures for 2022 annual  
14 municipal meetings in response to COVID-19

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 Sec. 1. LEGISLATIVE FINDINGS, INTENT, AND PURPOSE

17 (a) Findings.

18 (1) The General Assembly finds that the continued spread of COVID-19  
19 in the State of Vermont has the potential to jeopardize the health, safety, and  
20 welfare of Vermonters voting in their 2022 annual municipal meetings. These

1 meetings include annual town meetings, which are required by general law to  
2 be held on the first Tuesday of March; annual school district meetings, which  
3 are generally required to be held between the months of February and June;  
4 and other municipal annual meetings with meeting dates controlled by charter.

5 (2) In 2021, the General Assembly enacted 2021 Acts and Resolves  
6 No. 60 to authorize the use of outdoor polling places and the mailing of ballots  
7 to all active registered voters in municipalities that use the Australian ballot  
8 system for local elections. However, the General Assembly finds that COVID-  
9 19 concerns persist regarding 2022 annual municipal meetings because:

10 (A) in municipalities applying the Australian ballot system to these  
11 meetings, general law requires voters to apply for an early voter absentee  
12 ballot; and

13 (B) many municipalities want to continue their custom of conducting  
14 annual meetings using floor votes.

15 (b) Intent and purpose. It is the intent of the General Assembly that the  
16 citizens of Vermont should be able to protect their health, safety, and welfare  
17 while also continuing to exercise their right to participate in annual municipal  
18 meetings. Accordingly, the purpose of this act is to permit municipalities to:

19 (1) by vote of the municipal legislative body, apply the Australian ballot  
20 system to the municipality's 2022 annual meeting; and

1           (2) move the date of the municipality's 2022 annual meeting to a  
2           potentially safer date later in the year.

3           Sec. 2. ANNUAL MUNICIPAL MEETINGS IN THE YEAR 2022;

4                     ALTERNATIVE PROCEDURES

5           (a) Notwithstanding the provisions of 17 V.S.A. § 2680(a) and 16 V.S.A.  
6           § 711e that require the voters of a municipality to vote to apply the provisions  
7           of the Australian ballot system to the annual or special meeting of the  
8           municipality, in the year 2022, any municipality may apply the Australian  
9           ballot system to its annual municipal meeting held in the year 2022 by vote of  
10           its legislative body. Any such vote shall also apply the Australian Ballot  
11           method of voting to any vote that occurs as a result of the annual meeting, such  
12           as a budget revote under 17 V.S.A. § 2680(c)(2) or a reconsideration vote  
13           pursuant to 17 V.S.A. § 2661.

14           (b)(1) A municipality may use electronic means, without designating a  
15           physical location, to conduct a public informational hearing held pursuant to  
16           17 V.S.A. § 2680(h) in advance of the municipality's annual meeting.

17           (2) When a public informational hearing is held electronically under  
18           subdivision (1) of this subsection, the municipality shall:

19                     (A) use technology that permits the attendance of the public through  
20           electronic or other means;

1           (B) allow the public to access the hearing by telephone whenever  
2           feasible; and

3           (C) post information on how the public may access meetings  
4           electronically and shall include this information in the published agenda for the  
5           hearing.

6           (3) Unless unusual circumstances make it impossible for them to do so,  
7           the legislative body of each municipality and each school board shall record  
8           any public informational hearing held pursuant to this subsection.

9           (c) Notwithstanding any provision of law to the contrary, in the year 2022:

10           (1) a municipal legislative body may vote to move the date of the  
11           municipality's 2022 annual meeting to a date later in the year 2022; and

12           (2) the Town of Brattleboro may hold its annual Representative Town  
13           Meeting by electronic means.

14           (d) In any municipality that moves the date of the 2022 annual meeting  
15           pursuant to subdivision (c)(1) of this section, municipal officers shall serve  
16           until the annual meeting and until successors are chosen.

17           (e) The Secretary of State may waive statutory deadlines or other statutory  
18           provisions, or provisions set forth in a school district's articles of agreement,  
19           related to a municipal election as necessary in order for a municipality to apply  
20           the Australian ballot system to its meeting in accordance with subsection (a) of  
21           this section. This waiver authority applies to statutory provisions set forth in a

1 municipal charter or provisions set forth in a school district's articles of  
2 agreement if the waiver is requested by that municipality.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on passage.