

1 S.172

2 Introduced by Senator White

3 Referred to Committee on Government Operations

4 Date: January 4, 2022

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.~~

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

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

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

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

6 ALTERNATIVE PROCEDURES

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

16 (b)(1) A municipality may use electronic means, without designating a
17 physical location, to conduct a public informational hearing held pursuant to
18 17 V.S.A. § 2680(h) in advance of the municipality's annual meeting.

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

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

3 (B) allow the public to access the hearing by telephone whenever
4 feasible; and

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

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

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

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

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

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

19 (e) The Secretary of State may waive statutory deadlines or other statutory
20 provisions, or provisions set forth in a school district's articles of agreement,
21 related to a municipal election as necessary in order for a municipality to apply

1 the Australian ballot system to its meeting in accordance with subsection (a) of
2 this section. This waiver authority applies to statutory provisions set forth in a
3 municipal charter or provisions set forth in a school district's articles of
4 agreement if the waiver is requested by that municipality.

(f) The provisions of 17 V.S.A. § 2680(e) shall apply to any municipality that votes to hold the 2022 annual municipal meeting by Australian ballot pursuant to subsection (a) of this section. A municipality shall not warn any question on whether the municipality shall adopt the Australian ballot method of voting on a permanent basis, for any or all articles, for any subsequent municipal elections.

5 Sec. 3. EFFECTIVE DATE

6 This act shall take effect on passage.