

H.48 – Frequently Asked Questions

1. Which municipalities are authorized to use alternative annual meeting procedures?

H.48 authorizes a “municipal legislative body” to move the date of the “municipality’s” annual meeting or mail out the Australian ballot to be used at the annual meeting. The general definition for “municipality” in 1 V.S.A. § 126 includes “a city, town, town school district, incorporated school or fire district or incorporated village, and all other governmental incorporated units.” H.48 applies to any incorporated unit of local government.

2. If a municipal legislative body votes to move the date of the annual meeting, is there any requirement for a meeting to be held on the first Tuesday in March?

H.48 provides temporary authority for a municipal legislative body to move the date of the municipality’s annual meeting to a date later in the year without meeting on the annual meeting date required by 17 V.S.A. § 2640 or municipal charter.

3. Does the bill automatically extend other municipal deadlines?

If a municipal legislative body votes to move the municipality’s annual meeting date, then deadlines that are tied directly to the annual meeting date will be adjusted. For example, 24 V.S.A. § 1681(a)(1) requires town auditors to meet “25 days before each annual town meeting to examine and adjust the accounts of all town officers[.]” In this case, the auditors would be required to meet 25 days before the annual meeting date voted by the municipal legislative body.

It is not likely that H.48 will extend or suspend municipal deadlines that have specific dates established by statute and that do not directly reference the annual meeting date. For example, 32 V.S.A. § 5402(b)(3) automatically triggers the calculation of an interim homestead education tax rate “[if] a district has not voted a budget by June 30[.]” H.48 would not extend this express deadline.

4. Who is responsible for holding the annual meeting and budget vote of an incorporated district if member municipalities have different annual meeting dates?

In general, an incorporated district is responsible for conducting its own annual meeting and administering a district election or budget vote. In prior years, incorporated districts have been able to coordinate with member municipalities to administer district elections or budget votes on the statutory annual meeting date. Under the temporary provisions in H.48, the member municipalities of an incorporated district may have different annual meeting dates. Unless general law directs municipal officers to assist an incorporated district with all or part of annual meeting or budget vote, an incorporated district and the district officers are responsible for conducting the meeting and vote throughout the district.

5. Is there a deadline by which a municipal legislative body must vote to apply the Australian ballot system to an annual meeting?

Under 2020 Acts and Resolves No. 162, any municipal legislative body may vote to apply the Australian ballot system to an annual or special meeting in 2021. Neither H.48 nor Act 162 contain a deadline for the vote of the legislative body. However, general law sets deadlines for the preparation of local election ballots. For example, 17 V.S.A. § 2681a requires that local ballots shall be prepared not later than 20 days before the local election.

6. Does H.48 suspend signature requirements for petitioned annual meeting articles?

H.48 does not suspend the signature requirements for petitioned annual meeting articles set by 17 V.S.A. § 2642(a)(3)(A). However, any voter may ask the legislative body of a municipality to place an article on the warning on the legislative body's own motion.