

Hello, Senator Hardy,

I hope you are well. I was able to find some information regarding your question on the scope of authority for selectboards when it comes to establish town meeting articles by floor vote or by Australian ballot.

The authority for Selectboards to establish town meeting articles through floor vote or by Australian ballot was created in response to the COVID-19 pandemic in 2020.

In Act No. 162 (2020), any municipality had the ability to apply the Australian ballot system to any or all of its municipal meetings held in the year 2021 by vote of its legislative body, notwithstanding the provisions of 17 V.S.A. 2680(a) and 16 V.S.A. 711e. <https://legislature.vermont.gov/Documents/2020/Docs/ACTS/ACT162/ACT162%20As%20Enacted.pdf>

Act No. 77 (2022) allowed for municipalities to apply the Australian ballot system to its annual municipal meeting held in 2022 by vote of its legislative body. Any such vote could also apply the Australian ballot method of voting to any vote that occurs as a result of the annual meeting. <https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT077/ACT077%20As%20Enacted.pdf>

Act No. 1 (2023) continues to allow for municipalities to apply the Australian ballot system to its annual municipal meeting by vote of its legislative body. The act allows for municipal legislative bodies to vote to apply the Australian ballot system to the annual or special meeting until July 1, 2024.

It appears that the Town of Underhill has also established this protocol in 24 App. V.S.A. 155-51. Except as otherwise specifically provided by law or by a vote of the citizens of the Town at an annual or special meeting, the Selectboard may determine the articles to be voted upon by Australian ballot at a special or annual Town meeting.

Therefore, municipalities are able to have their Selectboards choose to conduct their elections by floor vote or Australian ballot, but are limited to the subjects mentioned in 24 V.S.A. 2680.

**Ashleigh Angel, J.D.**  
Law Clerk