



ELECTIONS BULLETIN

To: All Town Clerks

From: Kathy DeWolfe

Re: Annual Town & School District Meetings– Alternatives for Postponing/Canceling

Date: February 28, 2005

We have all heard weather reports predicting varying amounts of snow beginning late this evening and continuing throughout Tuesday. **The Office of the Secretary of State has no authority to cancel or postpone municipal annual meetings.** We are providing advice for consideration by local selectboards and school boards because of the large number of requests. **We strongly suggest that if your road crews are out early and can keep your roads passable, you hold your annual meetings and elections as scheduled.**

If your town has circumstances which make the roads unsafe for travel so there is a significant risk that voters will not have a meaningful chance to vote, we believe that a court would support a decision by the selectboard or school board to do one of the following:

Floor Town Meeting:

1. Hold the meeting as warned.
2. Open the meeting as scheduled with at least 3 voters present. If your moderator is not present, elect a moderator pro tem. Another voter moves to adjourn to a date and time certain (Example: "I move we adjourn the town meeting until next Tuesday, March 8th at 7 p.m.) If motion is seconded and carries, the meeting has been postponed to a new date. Post information about the new date, call radio stations, and the local press.

We believe that 1 or 2 are the better options. However, a third alternative is:

3. The selectboard or school board could call an emergency meeting to cancel the town or school district meeting and to rewarn the meeting for a new date (30 to 40 days). If this is done, post CANCELLATION NOTICES everywhere the original warning was posted, call radio stations and the local press.

Town Meetings with officers, budgets, or public questions by Australian Ballot:

1. Hold the meeting and election as warned, opening and closing the polls at the posted hours. If your election officials can get to the polls, we think this is the preferred option.
2. The election at the polling place is part of the annual town and town school district meetings. Therefore, while this is a grey area, we believe, and the Office of the Attorney General concurs, that if the Selectboard or School Board decide to postpone the floor annual meeting, the Australian Ballot portion of the Town Meeting can be postponed to a date certain at the same time by holding an emergency meeting of the board to postpone the Australian Ballot voting until next Tuesday, March 8th with the same hours for the polls. All absentee ballots received would be held and counted when the polls are opened. (This is a change from our advice in 2001.)

We believe that 1 or 2 are the better options. A third alternative is:

3. Call an emergency meeting of the selectboard or school board to cancel the Australian Ballot voting, and to warn the balloting for a new date (30 to 40 days). Post CANCELLATION NOTICES everywhere the original warning was posted, call radio stations and the local press.

Office of the VT Secretary of State – Elections Division

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If you cancel or postpone, please note that Town Officers continue until successors are elected.
(17 V.S.A. §2646) **If you cancel or postpone, please call our office with the new date.**