

Switching to Australian Ballot

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To: Josh Arneson <jarneson@richmondvt.gov>

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Hi Josh –

You will need to follow 17 V.S.A. § 2680, which is the guiding rule for Australian Ballot in Vermont elections. I have linked these rules and important associated rules below with highlights for emphasis.

I have highlighted some notes important to consider:

- Once Australian Ballot is adopted it becomes the system to employ in future votes unless and until a vote is taken to discontinue the use. **17 V.S.A. Chapter § 2680(b), (c)(2)(D), (d)(2).**
- All revotes of Australian Ballot votes must be by Australian Ballot as well under **17 V.S.A. Chapter § 2680.**
- Australian Ballots cannot be employed at the same election it is adopted for use under **17 V.S.A. Chapter § 2680(e).**
- *Sample Language: (1) “Shall (name of municipality) adopt its (name of individual budget article) or (all budget articles) by Australian ballot?”, (2) “Shall (name of municipality) vote on (specify the public question) by Australian ballot?”, or (3) “Shall (name of municipality) vote on all public questions by Australian ballot?”*

17 V.S.A. Chapter 55: § 2680. Australian ballot system; general

<https://legislature.vermont.gov/statutes/section/17/055/02680>

(a) Application. Unless specifically required by statute, the provisions of the Australian ballot system shall not apply to the annual or special meeting of a municipality unless that municipality, at its annual meeting or at a special meeting called for that purpose, votes to have them apply.

(b) Officers. Once a municipality votes to elect officers by the Australian ballot system, such officers shall be elected in that manner until the municipality votes to discontinue use of the system.

(c) Budgets.

(1) A vote on whether to use the Australian ballot system to establish the budget shall be in substantially the following form:

“Shall (name of municipality) adopt its (name of individual budget article) or (all budget articles) by Australian ballot?”

(2) If a budget voted on by Australian ballot is rejected, the legislative body shall prepare a revised budget.

(A) The legislative body shall establish a date for the vote on the revised budget and shall take appropriate steps to warn a public informational meeting on the budget and the vote. The date of the public informational meeting shall be at least five days following the public notice. The date of the vote shall be at least seven days following the public notice.

(B) The vote on the revised budget shall be by Australian ballot and shall take place in the same locations that the first vote was taken; provided, however, that if that polling place is unavailable, the vote may be held at a different location, with notice posted of the meeting location at the original location.

(C) The budget shall be established if a majority of all votes cast are in favor. If the revised budget is rejected, the legislative body shall repeat the procedure in this subsection until a budget is adopted.

(D) Once a municipality votes to establish its budget by the Australian ballot system, the vote on the budget shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

(d) Public questions.

(1) A vote on whether to use the Australian ballot on public questions other than the budget shall be in substantially the following form:

“Shall (name of municipality) vote on (specify the public question) by Australian ballot?”

or

“Shall (name of municipality) vote on all public questions by Australian ballot?”

(2) Once a municipality has voted to vote on any specific or all public questions by Australian ballot, the votes shall be taken by Australian ballot until the municipality votes to discontinue use of the system.

(e) Use. A municipality shall not use the Australian ballot system at the same election at which its voters decide that the system shall be used.

(f) Presiding officer. The presiding officer for any election or part of an election using the Australian ballot system shall be the town clerk or as otherwise provided in section 2452 of this title.

(g) Early and absentee voting. At the time the Australian ballots are available, which shall be not less than 20 days before the election, early and absentee voting shall be permitted in accordance with chapter 51, subchapter 6 of this title.

(1) The legislative body of a town, city, or village may vote to mail a ballot to all active registered voters in the town, city, or village.

(2) A school board may, after receiving the approval of the legislative body of each member town in the district, vote to mail its annual meeting ballot to all active registered voters in the district. In such case, the town clerk and election officials in the member towns shall be responsible for the mailing of the ballots but all costs associated with the mailing of ballots shall be borne by the school district.

(3) Ballots shall be mailed not less than 20 days before the election, or as soon as they are available.

(4) The mailing of ballots shall be conducted to the extent practicable in accordance with chapter 51, subchapter 6 of this title.

(h) Hearing.

(1) Whenever a municipality has voted to adopt the Australian ballot system of voting on any public question or budget, except the budget revote as provided in subsection (c) of this section, the legislative body shall hold a public informational hearing on the question by posting warnings at least 10 days in advance of the hearing in at least two public places within the municipality and in the town clerk's office.

(2)(A) The hearing shall be held within the 10 days preceding the meeting at which the Australian ballot system is to be used. The legislative body shall be responsible for the administration of this hearing, including the preparation of minutes.

(B) In a town that has voted to start its annual meeting on any of the three days immediately preceding the first Tuesday in March in accordance with subsection 2640(b) of this title, the hearing under this subsection may be held in conjunction with that meeting, in which case the moderator shall preside.

Let me know if you have any questions.

Dan Brown

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