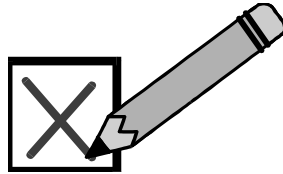


Getting on the Ballot



A Practical Guide for Social Service Agencies

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Deborah L. Markowitz
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A Practical Guide for Social Service Agencies

Every year Vermont's towns appropriate hundreds of thousands of dollars to support social service agencies that provide services to their communities. In many town these gifts appear as separate articles to be voted by the townspeople. In other communities these amounts are wrapped into the "selectmen's budget" and included in the overall budget of the town.

Few social service agencies receive a majority of their funding from the towns they serve. This is because the town's ability to provide funding is often disproportionate to the social service agency's need. However, municipal funding is important as an additional source of revenue for many social service agencies across Vermont. In addition, municipal funding is often very important to agencies because it demonstrates to major funders the importance of the agency to the communities it serves.

1. **Who can ask for money?** The general rule is that a town may only spend taxpayer dollars for social service agencies that serve the community. According to 24 V.S.A. § 2691 a town or village may "appropriate such sums of money as it deems necessary for the support of social service programs and facilities within that town for its residents."



K **Note that, despite the statutory language, the Vermont Supreme Court has held that social service agencies physically located outside the municipality may be considered to be social programs within the village or town if the agency serves the residents of the municipality.** *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989) (This case also extended § 2691 to cities.)

The statute sets out the types of social service agencies for which a municipality may appropriate sums of money. These service agencies may include, (but are not limited to serving) the following:

- Children
- Day Care
- Disabled Persons
- Medical
- Nutrition
- Drug and Alcohol Abusers
- Persons requiring employment to eliminate their need for public assistance.
- Rehabilitative Services for persons with low incomes
- Senior Citizens
- Transportation

2. **How does an agency get a financial request on the ballot?**
An organization's request for a town appropriation can be placed on the

ballot in one of two ways.

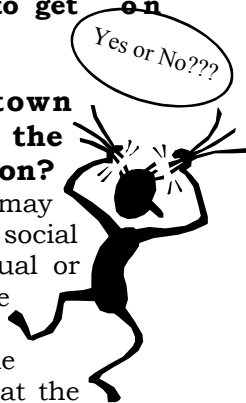
- a) An agency can bring a petition, signed by 5% of the voters, to the selectboard by the 40th day before the date of the meeting. 17 V.S.A. § 2642.
- b) The selectboard may, on its own motion, include in the warning appropriations for non-profits that serve the town.

K Some selectboards have an established policy about when it will include an appropriation request on the warning without petition. A typical policy is to automatically place on the warning the previous year's appropriations. Other selectboards have established deadlines for agency requests along with required participation in a committee review process. In either situation, any non-profit that had not previously been given funds by the town, or an organization that wishes an increase in funding must still petition the town to get on the ballot.

3. How does the town decide whether to give the agency the appropriation?

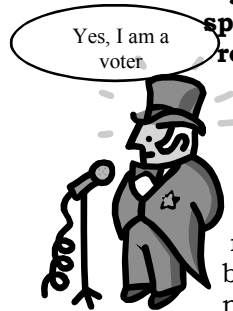
Vermont's municipalities may appropriate money to a social service agency at an annual or special meeting of the town. The appropriation must be included on the warning to be considered at the meeting.

Towns vote money articles one of two ways; "On the Floor" or "Australian ballot." The difference is important. In open town meeting, the merits of an



article voted “on the floor” are discussed immediately prior to the vote, and the article may be amended to either increase or decrease the appropriation. This means that at an open town meeting it is wise for the social service agency to have someone present to explain to the voters the need for the appropriation, and the importance of the service provided to the town. The social service agency may also ask the meeting to increase the selectboard’s proposed appropriation.

K Note that only a voter may speak at town meeting (unless the voters at the meeting agree to let the non-voter speak) so it is wise to find a representative from the town to speak for the social service agency at town meeting.



When the town votes its money articles by Australian ballot there is a public informational hearing within ten days before the vote. This is an opportunity for the social service agency to provide additional information about the need for the appropriation and the importance of the service provided. Because no voting takes place at the informational meeting there are no rules preventing non-voters from participating. Using Australian ballot, the article is either voted up or down with no way for the voters to modify the amount of the appropriation stated on the ballot.

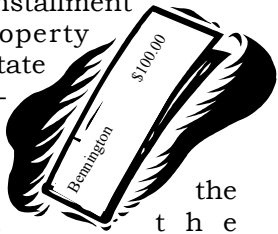
Whether the article is voted on the floor or by Australian ballot, an agency that does not like the outcome of the meeting may petition for reconsidera-

tion. 17 V.S.A. § 2661. To do this, the agency (or any other person) must submit a petition signed by not less than 5% of the voters requesting reconsideration of the question voted at the annual or special meeting. The petition must be filed within thirty days of the meeting, and the selectboard must set a new meeting to reconsider the article within sixty days of receiving the petition.

K **The agency only gets two tries. A question may not be re-considered at more than one subsequent meeting within a twelve month pe-riod except with the approval of the leg-islative body of the town.**



4. **After the Vote.** In the event that a social service agency receives an appropriation from the town, it can expect to receive a check from the town at the beginning of the town's fiscal year. If the appropriation is large, sometimes the agency and the town agree to two or three installments (perhaps to mirror installment payments of property taxes). In addition, state law allows the se-lectboard to require the agency to enter into a contract with the town to ensure that the appropriation is used to provide services to the town. 24 V.S.A. § 2692. A court will require that such a contract be reasonable. *Addison County Community Action Group v. City of Vergennes*, 152 Vt. 161 (1989).



K **A social service agency may bring an action to obtain funds voted by a municipality, subject to the right of**

the selectboard to require a reasonable contract.

- 1. What is the specific percentage of registered voters of the town**

Commonly Asked Questions

required on a petition in order for a request for funding to appear on the printed warning for Town meeting?

According to 17 V.S.A. § 2642(b) a petition to include an item on the warning requires the signatures of 5% of the voters. Note that some communities may have a governance charter that sets out a different percentage.

- 2. Is there a specific date that is the latest time that petitions can be filed with the Town Clerk and appear on the warning?**



According to 17 V.S.A. § 2642(b) a petition to get an article added to the warning must be submitted to the clerk by the 40th day before the meeting. Most towns hold their meetings on the first Tuesday in March. Others hold their meeting on the Saturday before the first Tuesday in March, and some begin their meeting on the Monday night before the first Tuesday in March. Accordingly, an organization should check with the town clerk to be sure that it is counting the days correctly.

3. If the required signatures on a petition are sent to the town clerk in a timely manner, is the article guaranteed to appear on the Town Warning?



If you provide to the clerk a petition, on or before the forty-day deadline, signed by the requisite number of voters, the clerk **must** include the article on the ballot/warning for town meeting. The selectboard cannot adopt a policy that alters this rule since the right to petition is granted by state law. It is possible, however, for a town to have a charter provision (adopted by the state legislature) that changes the general rule or which grants the selectboard additional authority.

4. What can we do to ensure that the voters are given an opportunity to vote on the full amount of our request, rather than having the selectboard or a small committee of the town decide what appears on the ballot?

As described above, your organization can try to get local funding in one of two ways – by petitioning to get your appropriation on the warning, or by asking the selectboard to add your appropriation to the warning as part of the selectboard’s budget or as its own article. The only way to ensure that the full amount you wish to request appears on the warning is by bringing a petitioned article.

5. If we get a petition signed every year with the required number of signatures to appear on the warning

is there a time that our request can automatically appear for a vote without having to get a petition every year? We have heard that if you get a petition in and appear on the ballot three consecutive years that you can remain on the ballot without re-petitioning every year. Is this so?

There is no state law that requires the town to include a non-profit organization's funding request on the ballot without a petition every year. Some selectboards have adopted policies to include social service agency requests on the warning without petition after the agency has successfully petitioned for funding for a particular number of years. It can be risky to rely on a board's policy since it is subject to change (a board cannot bind future boards).

Found in Title 24 of the Vermont Statutes Annotated.

Statutes on Aid to Social Service Agencies

§ 2691. Aid to Social Services for Town Residents. At a meeting duly warned for that purpose, a town or incorporated village may appropriate such sums of money as it deems necessary for the support of social service programs and facilities within that town for its residents. Social service programs, for which a town or incorporated village may appropriate sums of money, include, but are not limited to: transportation, nutrition, medical, day care, and other rehabilitative

services for persons with low incomes, senior citizens, children, disabled persons, drug and alcohol abusers, and persons requiring employment to eliminate their need for public assistance. The authority herein granted is not in derogation of other local powers to allocate funds. (Added 1973, No. 177 (Adj. Sess.), § 2.)

§ 2692. Contract with Service Provider.

The legislative body of a municipality making an appropriation, as provided in section 2691 of this title may make a contract with public or private agencies or persons concerning the provision of those certain social services. (Added 1973, No. 177 (Adj. Sess.), § 2.)

§ 2693. Joint Action by Municipalities.

A municipality may secure the provision of social services jointly with adjacent municipalities if such joint action is warranted to provide more effective and efficient social services for its residents. (Added 1973, No. 177 (Adj. Sess.), § 2.)

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Office of the Secretary of State
Redstone Building
26 Terrace Street, Drawer 09
Montpelier, VT 05609-1101
1-802-828-2363
1-800-439-8683

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