—Slug:.....COMM-0844.opin.letter.015_walch

—Contributor.....Erica Walch

—Contributor email.....eiwalch@verizon.net

—For section.....Voices/Letters from readers

—Format.....LETTERS - Opinions - Letters to the Editor

—Dateline.....Newfane

—Article Number:.....42739

Notes from editor (not for publication):

HEADLINE ELEMENTS:

####BEGIN HED####

Yes, towns can reject petitions for useless and frivolous Town Meeting articles

####END HED####

####BEGIN SUBHED####

####END SUBHED####

TEXT BODY:

RE: "Former town moderator weighs in" [Letters, Dec. 3]:

####BEGIN TEXT####

Deborah Lee Luskin is mistaken in her understanding of the powers of the Selectboard when presented with a petition for non-town-related business to appear on the ballot at Town Meeting.

In the memo "Rights to Reject Nonbinding Advisory Petitions," which can be found in the Vermont League of Cities & Towns guide to Town Meetings on its website, it is clear that

municipalities have the right to reject non-binding advisory petitions, such as the ones presented to the Newfane Selectboard for inclusion on the ballot in 2024 and 2025 that dealt with international affairs.

Before 1969, the Vermont Supreme Court clarified that 24 VSA Sec 705 was not intended "to compel the selectmen of a town to hold a special town meeting [or include at regular town meeting] upon application of five per cent of the voters for a useless, frivolous or unlawful purpose."

After 1969, the court clarified that "'useless' as used in the case means something that would have no binding effect" and further stated "the statute does not include a right to include articles for a vote over which voters may have an opinion, but ultimately do not have the power to decide."

Examples that spring to mind include impeaching the U.S. president, declaring that the Earth is flat, banning nuclear weapons, holding that man never landed on the moon, or declaring an opinion on foreign wars.

All of these are outside the power of Newfane voters to decide, but on all of which voters may have opinions.

To clarify, the memo goes on to state, "If a voter-backed petition does not deal with a matter over which municipal voters have been given authority in statute, the legislative body may choose how to respond to that petition, including refusing to place it on the warning or placing it under the nonbinding, advisory section of the warning."

If a municipality in Vermont is presented with a voter-backed petition that deals with something outside the realm of things the Selectboard (or city council in a larger municipality) has power to enact, the Selectboard may decide to put it on the ballot or decline to do so.

In preparing for the 2025 Town Meetings throughout the state, an organized coalition of political groups, operating locally as "Vermont Coalition for Palestinian Liberation," asked its members to petition their municipalities to present town voters

with an identically worded statement (created by the national Apartheid-Free Communities coalition) that the town would "PLEDGE to join others in working to end all support to Israel's Apartheid regime, settler colonialism, and military occupation." (All caps in original.)

While individual voters may well have opinions about this statement, this is clearly outside the powers of the town to enact and is waste of voters' time at Town Meeting, since the vote comes to nothing but incites lengthy debate.

Many towns in Vermont declined to put this statement on their ballot (binding or non-binding), as was their right. In Newfane, after hours of back and forth, the statement that was voted on said something to the effect of "we hate violence" and was voted on by the last 60 or so people standing.

I hope that towns throughout the state will choose not to include this useless and frivolous item on their agenda and instead focus on the items that the town does have the power to enact.

####END TEXT####

BIO/COATTAIL:

####BEGIN BIO/COATTAIL####

####END BIO/COATTAIL####

LAST ISSUE IN WHICH THIS FILE CAN BE RUN:

####BEGIN MAXISSUE####

0

####END MAXISSUE####

LINKS:

####BEGIN LINKS####

####END LINKS####

VIDEO:

####BEGIN VIDEO####

68

####END VIDEO####

LOGLINE (SOCIAL MEDIA):

####BEGIN LOGLINE####

69

####END LOGLINE####