

**OUR TOWN VOTED TO INCREASE THE PERCENTAGE OF VOTERS REQUIRED TO SIGN A PETITION FOR RECONSIDERATION OR RESCISSION ON A QUESTION CONSIDERED OR VOTED ON AT ITS ANNUAL MEETING FROM 5% TO 10%. WHAT PERCENTAGE OF VOTERS IS NEEDED TO SIGN A PETITION TO RECONSIDER THIS VOTE?**

Ten percent of the town's registered voters would need to sign a petition requesting reconsideration or rescission in order to force its selectboard to provide a vote within 60 days of its submission at a subsequent special town meeting.

There are two reasons for this opinion.

When interpreting law, courts will give effect to the legislature's intent, which they do by looking to the plain and ordinary meaning of the statute. *Delta Psi Fraternity v. City of Burlington*, 2008 VT 129. The controlling statute here clearly states that once this threshold percentage is changed, that figure will control all future petitions until it is either revoked or amended by the voters. "Once the voters of a municipality have voted to require a new percentage, that percentage shall remain in effect until the voters of the municipality vote to change the percentage." 17 V.S.A. § 2661(b)(3).

Courts also will not read something into a statute that is not there unless doing so is necessary to make the statute effective. *Weale v. Lund*, 2006 VT 66. The law governing reconsideration or rescission (17 V.S.A. § 2661) is silent with regard to any delay in the taking effect of a new percentage. A comparison with another law may help illustrate this point. When a selectboard adopts an ordinance, it does not take effect immediately. Rather, it takes effect 60 days from the date of its adoption, unless "a petition is filed ..." 24 V.S.A. § 1972(a). No such similar language can be found in 17 V.S.A. § 2661; consequently we must assume that the legislature intentionally excluded it so as not to delay its implementation. In other words, if the legislature had intended to delay the application of a newly adopted percentage to some time in the future, it would have said so.

Of course, the selectboard can avoid this potential controversy altogether by simply submitting the article for reconsideration or rescission at a subsequent annual or special town meeting on its own motion. Then again, depending on the nature of the article, it may not want to.

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