

## **Guide to Citizens' Petitions for Town Meetings Hamilton, Massachusetts**

A petition article is an article brought to Town Meeting for discussion and possible action by a group of voters (rather than by a Board or Committee of the Town). Any group of voters, with the minimum requisite number of signatures, may bring a petition article on any topic that is relevant to action by the Hamilton voters at open town meeting, the town's legislative body. An article becomes part of the Warrant and the Warrant serves as the agenda for Town Meeting in that it "warns" voters what is to be discussed and what is being sought at the Town Meeting. For any matter to be discussed at the Town Meeting, it must come within the scope of the article being debated. In other words, someone reading the article must be able to tell what is going to be addressed. If a subject is then brought up which a person would not reasonably know was going to be discussed by reading that article, it cannot be discussed and will be considered as being beyond the scope of the article. A motion is a formal proposal that is presented before the voters at the Town Meeting for action on a particular article. It must be within the scope of the article.

1. The recommended timeline for petitioners is to begin approximately 3 months before Annual Town Meeting:

a. Meet with relevant board(s), committee(s) and/or Town Manager

b. Draft a short factual summary of your petition

c. Obtain advice from Town Counsel & Town Moderator on the writing of your petition and petition process

d. Get signatures and submit to Town Clerk

e. Identify the "lead petitioner" – the person who can be contacted by Town Officials with regard to the petition and provide the Town Manager and Town Moderator with the lead petitioner's contact information.

f. Attend hearings and obtain feedback on your petition

g. Schedule a meeting with the Town Moderator to discuss the presentation for town meeting, time-request for the presentation, hand-outs and to help on the motion language.

h. Raise awareness of voters to attend town meeting to gain further support for your petition. A petitioner should not assume that all voters signing the petition will attend Town Meeting and will vote in support.

2. Before beginning the petition process, it is strongly recommended that petitioners meet with the board or committee that has jurisdiction over the subject matter in order to seek feedback, advice, and support. The board or committee may agree that the issue needs to be addressed and may decide to undertake the process of proposing and supporting it themselves. This outcome may make a petition unnecessary. If the board will not propose the idea itself, submitting a petition is an option still available. However, it is important that this process be started early enough to leave sufficient time for review and

modifications before the article is submitted for signatures. Submitting a petition at the last minute is usually not a good idea if the material has not been discussed with those having jurisdiction over the subject matter or if the petitioners have not had time to write and refine the language. Enough time should be allowed to adequately research the topic and to assess the effect of the proposed change on existing laws and regulations. In any event, Town boards and committees with jurisdiction will be encouraged to comment on petition articles including the timing of the receipt the articles, i.e. whether or not the board or committee was consulted by the petitioners prior to filing.

3. To submit a warrant article for consideration by the Annual Town Meeting (i.e., April), ten (10) registered voters of the Town must sign the petition in accordance with Massachusetts General Laws. Signatures of one hundred (100) registered voters are required to insert an article into a Special Town Meeting (i.e., October) warrant. Two hundred (200) signatures are required to call a Special Town Meeting (i.e., not regularly scheduled town meeting) and note that in this instance, the Board of Selectmen will need to schedule the Special Town Meeting within 45 days after the date the signatures and petition are submitted so be sure to consider upcoming holidays or vacations before submitting. Proponents of an article are encouraged to secure more signatures than those required in the event of illegible signatures or signers not qualified as registered voters. Citizen Petition Articles must be submitted by the deadline for the close of the Warrant established by the Board of Selectmen.

4. Care in the writing and the timing of articles is very important as the Selectmen must place the petition Article on the Warrant exactly as submitted by the petitioners. Petitioners should ensure that the action the article proposes conforms to state law, Town of Hamilton by-laws, and is within the purview of Town Meeting. An article should be phrased to accurately accomplish its intended purpose. Depending on the subject matter of the article, it may require further review by the Selectmen, the Finance Committee, the Community Preservation Committee, and/or the Planning Board or other boards or committees. In some instances, a public hearing may be required. Articles must be initiated early enough to allow all legal and procedural requirements to be met before it can be voted on at Town Meeting. Petitioners should consult with the Town Manager early in the process to establish a reasonable time line for their article's inclusion.

5. Assistance in the writing of articles and motions is available from Town officials. The Town Manager, Town Moderator and other staff are available to discuss and, if necessary, to assist petitioners in the drafting of a warrant article and its accompanying motion. Town officials should be consulted as early as possible before the closing of the warrant to resolve any misunderstandings on the part of the petitioners. Within reason, a Petitioner may also obtain legal assistance from Town Counsel by submitting questions to either the Town Manager or Town Moderator who will then submit them to Town Counsel. A Petitioner should allow for at least 4 Business Days to receive a response. While the Town in certain instances can give advice on matters, it is generally not considered appropriate for the Town to write citizen petition articles or motions. Citizen petition articles are the citizens' right to petition government. Sometimes they may involve matters which the local government leadership does not support or feel are appropriate. Therefore, to have the Town involve itself too directly in such petitions by writing the article or motion would potentially cause too much intermingling of the government into the citizens' affairs. This is especially so if there was to be a challenge or dispute over

the citizens' article or motion. In such instances, it may be advisable to consult with the Town Moderator keeping in mind that for more complex petitions, the petitioners may need to hire their own counsel to help in the process.

6. Submission of petition articles shall be made to the Town Clerk, the Office of the Town Manager and the Board of Selectmen no later than the deadline established by the Board of Selectmen for the close of the warrant. The submission should include a short factual summary of the Article. Improperly written articles submitted too late for necessary modifications will still be printed on the Town Meeting warrant, but may be "passed over" at

Town Meeting if certain legalities are not followed (such as a public hearing for zoning articles)

7. Once it is submitted, the article and any appendices will appear in the Town Meeting Warrant and Warrant Book exactly as submitted including spelling and punctuation. The Board of Selectmen is responsible for determining the order of the articles on the warrant.

8. Withdrawing a petition requires all the petitioners to request withdrawal before submission to the Town Clerk. Once accepted by the Town Clerk, the petition now has statutory calendar requirements that cannot be changed.

9. Audio-visual materials are often useful at Town Meeting to expedite the presentation and explanation of the article and motion. All presentations for Town Meeting must be sent to the Town Manager and Town Moderator via email at [mlombardo@hamiltonma.gov](mailto:mlombardo@hamiltonma.gov) or delivered physically to the Town Manager's office at Town Hall on paper and either a USB drive, DVD-R or CD-R (avoid CD-RW). The Article title and number should be indicated at the top of each page of the presentation. Also, the first and last slide of the presentation should be the motion itself. Presentation materials must be submitted no later than 4:30 p.m. two business days prior to the Town Meeting at which it may be used. This will allow for review by the Town Moderator and resolution of any technical issues that may arise during installation on the Town's laptop. Late materials or subsequent edited materials may be rejected. Materials not relevant to the article will also be rejected. No individual personal laptops may be connected or used for Town Meeting presentations. Once the Town Manager's office receives the information, it will be installed on the laptop that will be used during Town Meeting. The representative of the petitioners will be able to advance his/her own slides at Town Meeting by using the laptop keyboard or a remote, if available. At the discretion of the Town Moderator, slides may be run by Town personnel.

10. Petitioners' Role at Town Meeting. The Moderator presides over Town Meeting. She will call each Article in the order it appears on the Warrant unless Town Meeting votes otherwise. As each Petition Article is called, a representative of the petitioners will be recognized and allowed to make a motion and presentation on their Article. Make sure your motion language has been reviewed by the Town Moderator before Town Meeting. This is especially important if the motion language is intended to correct language in the Article. A second is required for their motion and debate then follows. Amendments can be made, and then finally a vote is taken.

Petitioners are encouraged to utilize the Annual Town Meeting mechanism or a regularly scheduled fall Town Meeting because of the additional costs of holding a Special Town Meeting, unless the Citizen Petition matter is time sensitive and cannot await the next Annual Meeting or a regularly scheduled fall Town Meeting.

This policy was adopted jointly by the Board of Selectmen and the Town Moderator.