

Chapter 47

TOWN MEETING

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[HISTORY: Adopted as Art. 2, Sections 1, 4, 5, 6, 7, 8, 9 and 10, and Art. 3, Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, of the revised bylaws of Halifax. Amendments noted where applicable.]

GENERAL REFERENCES

Elections - See Ch. 20.
Selectmen - See Ch. 42.

§ 47-1. Date of meeting; purpose. [Amended 3-5-1973 ATM, Art. 29]

The Annual Town Meeting shall be held on the second Monday in May, in the evening, for the transaction of municipal business, except for the election of such officers and the determination of such matters as by law are required to be elected or determined by ballot.

§ 47-2. Notice. [Amended 9-1-1964 STM, Art. 4; 5-8-1978 STM, Art. 19]

Notices of every Town Meeting, except Special Town Meetings, shall be given by posting an attested copy of the warrant calling the same in the Town Hall, in the Post Office of the town and in at least three (3) other places as the Selectmen may designate, at least seven (7) days before the day appointed for the Meeting. In the case of Special Town Meetings, notices must be posted fourteen (14) days prior to the Meeting.

§ 47-3. Distribution of warrant.

- A. At least seven (7) days before the day appointed in the warrant for the Annual Town Meeting, the Selectmen shall cause to be left at each occupied dwelling house a copy of the warrant and a copy of the report of the Finance Committee thereon. **[Amended 5-19-1981 ATM, Art. 19]**
- B. Compliance with this section shall not be a requisite of valid notice of any meeting, and noncompliance with this section shall not affect the validity of any meeting or any action thereat.

§ 47-4. Insertion of names on warrant.

In conjunction with each article made a part of the warrant for a Town Meeting pursuant to a petition or request to the Selectmen, there shall be inserted in such warrant the name of the first person signing such petition and the words "and others."

§ 47-5. Closing of warrant. [Amended 5-14-1986 ATM, Art 43]

The warrant for the Annual Town Meeting shall close on the first day of March; provided, however, that the Selectmen may, thereafter, open the warrant for the insertion of additional articles to the extent that compliance with any provision of the law shall require or whenever, in their reasonable opinion, there remains sufficient time for compliance with the provisions of §§ 47-2 and 47-3 of this chapter.

§ 47-6. Information provided Finance Committee.

The Selectmen shall furnish promptly to the Finance Committee a copy of all articles which are to be included in any town warrant as soon as possible after the closing of said warrant.

§ 47-7. Quorum. [Amended 6-3-1974 STM, Art. 2; 5-19-1981 ATM Art. 24; 5-11-1987 ATM, Art. 53]

The number of voters necessary to constitute a quorum for the transaction of business at any meeting will be one hundred (100).

§ 47-8. Related subject matter on warrant. [Deleted 5-12-14 STM Art. 9 – see § 47-20. below]

§ 47-9. Submission of question or motions.

All questions or motions submitted for the consideration of Town Meetings shall be written by the person submitting the question or motion or, at his request, by the Town Clerk.

§ 47-10. Persons desiring to speak.

Any person desiring to speak shall arise, address the chair and, upon obtaining recognition, shall stand while speaking unless the Moderator directs otherwise.

§ 47-11. Voting on motions. [Amended 5-12-1997 ATM, Art. 55]

All votes on motions shall be taken in the first instance by a voice vote; the Moderator may, for motions requiring a two-thirds majority, but not receiving unanimous approval, declare that a two-thirds majority exists; if the Moderator is in doubt on any voice vote, he may call for a standing vote; if the Moderator is still in doubt or if the voice or standing vote as declared by the Moderator is immediately questioned by seven of the voters present, the vote shall be taken by a “yes” and “no” ballot. Nothing in this section shall be construed to prevent the taking of a vote by ballot in the first instance if a motion to that effect shall be duly made and carried by a majority of the voters present and voting thereon.

§ 47-12. Vote by ballot.

If the majority of the Town Meeting requests a vote by ballot on any question or if, in the opinion of the Moderator, there is sufficient cause for a written vote, such vote shall be taken with the town furnishing ballots as per the following example:

YES () NO ()

§ 47-13. Motion to reconsider.

A motion to reconsider any vote must be made before the final adjournment of the Meeting at which the vote was passed; provided, however, that such motion to reconsider shall not be made at an adjourned session of the Meeting, unless the mover has given notice of his intention to make such a motion at the session of the Meeting at which the vote was passed. A vote shall not be reconsidered a second time or after a motion to reconsider it has failed to pass.

§ 47-14. Meetings restricted to registered voters.

- A. Unless otherwise ordered by the Moderator or a vote of the Meeting, no person whose name is not on the list of registered voters shall be admitted to the hall. This provision shall be enforced by the use of the checklist, and the Moderator shall determine the bounds of the hall.
- B. A visitors' section may be provided so long as seats are available for student groups or others who, in the opinion of the Moderator, deserve such consideration.
- C. The Executive Administrator and any department head who is not a resident of the town may address a Town Meeting and respond to questions without first obtaining approval to speak by a Town Meeting vote. [Added 5-13-1996 ATM, Art. 31]

§ 47-15. Types of motions. [Amended 5-11-1992 ATM, Arts. 37 and 38]

When a question is before the meeting, the following motions shall be received and shall have precedence in the following named order, and the first two (2) shall be decided without debate.

- A. To adjourn.
- B. Previous question.
- C. To postpone to a time certain.
- D. To amend or substitute.
- E. Main motion.

§ 47-16. Restriction on dissolving Town Meeting.

No motion, the effect of which would be to dissolve a Town Meeting, shall be in order until every Article in the warrant has been duly considered and acted upon, but this shall not prevent the postponement of action on or the consideration of any Article to an adjournment of the Meeting to a stated time.

§ 47-17. Articles to be acted upon in order. [Deleted 5-12-14 STM Art. 9 – see § 47-20. below]

§ 47-18. Length of speaking time restricted.

No person shall speak more than five (5) minutes for the second time on any subject, if there are others who desire to speak but who have not been heard on the same subject, without first obtaining leave of the meeting.

§ 47-19. Rules of practice.

The duties of the Moderator and the government of the Town Meeting not specially provided for by law or by these bylaws shall be determined by the rules of practice contained in Roberts' Rules of Order, so far as they are adapted to the conditions and powers of the town.

§ 47-20. Order of articles to be determined by lottery. [Added 5-12-14 STM Art. 9]

- 1) The order of consideration of all Town Meeting articles shall be determined by a lottery mechanism by the Town Moderator or the Town Moderator's designee. The Moderator, at the Moderator's discretion, shall determine whether the article so chosen is contingent upon action on any articles yet not acted upon and, if so, shall determine which articles must be acted upon and in which order before having Town Meeting act on the article chosen.
- 2) The following articles shall be acted on at an Annual Town Meeting before any other articles are acted upon and shall be acted on in the following order:
 - a) To hear and act on the reports of the Town Officers and Committees;
 - b) To amend the Wage and Personnel By-Law;
 - c) To determine the salaries of several elective Town Officers for the next fiscal year;
 - d) To determine what sums of money the Town will raise and appropriate, including appropriations from available funds, to defray charges and expenses to the Town, including debts and interest;

These amendments (§ 47-8 deletion, § 47-17 deletion, and § 47-20 addition) shall not take effect until January 1, 2015.