

**GUIDE TO CITIZENS'  
PETITIONS  
FOR  
TOWN MEETINGS**

**PREPARED BY**

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## **“GUIDE TO CITIZENS’ PETITIONS FOR TOWN MEETINGS”**

This memo and the accompanying “Summary” are intended to present in layman’s terms the process for citizens to petition Town Meeting. They are not intended to answer all questions, but rather to provide enough general information to enable citizens to better understand the process and how to petition Town Meeting. This process has been around for some 200 years and is one of the hallmarks of our democratic process—your right to petition your government.

To better understand the process, it is necessary to first understand some of the features of a Town Meeting. Generally, Towns in Massachusetts must have at least an **Annual Town Meeting** where the budget and other matters are voted. Towns may also have one or more **Special Town Meetings** during the year. There is nothing wrong with a Special Town Meeting within an Annual Town Meeting. This is done many times because the Annual Town Meeting can run for several days and there may be matters which need to be addressed sooner, which can be able handled at a Special Town Meeting.

The Hull Board of Selectmen, in accordance with a local by-law, selects the date for the Annual Town Meeting. It begins on the first or second Monday in May.

A notice will usually appear during the winter that the **warrant** will close for the Annual Town Meeting by a certain date and that petitions for **articles** must be submitted by that date. The Selectmen may also call for a Special Town Meeting. A similar notice has to be published warning people of the deadline for submitting **articles** for the warrant of the Special Town Meeting. The notice to the public must be at least 10 days before the warrant closes. The warrant for either meeting must be posted in public places at least 30 days before the meeting.

By a petition with at least 10 signatures, citizens can petition for an article to be placed on the warrant for the Annual Town Meeting.

Citizens can also petition for a Special Town Meeting by petitioning the Board of Selectmen with a petition indicating an article for the meeting, the petition to have at least 200 signatures or 10% of the registered voters, whichever is less.

Citizens can petition to have articles placed on the warrant for a Special Town Meeting by a petition having at least 100 signatures. Remember, the petition for having (or calling for) the meeting needs 200 signatures or 10% of the voters (whichever is less) and must contain an article for the meeting. Once the meeting has been scheduled, others may petition for articles with petitions of at least 100 signatures. The petition must include the Signature, residence with street and house number, if any, to be valid.

By a similar petition, citizens can petition for an article to be placed on the warrant for the next special and/or annual town meeting.

The Board of Selectmen can on their own place an article on the warrant, either under the name of the Board of Selectmen or the name of people requesting the article. Also, by custom, Department Heads and other Town officials can file with the Selectmen’s Office an article to be

placed on the warrant. This memo addresses generally citizens placing articles on the warrant.

At the end of the memo is a handy guide to common Town Meeting procedural issues prepared by John M. Russell, Jr., Esq., former Town Moderator.

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**What is a warrant?** A warrant is the legal notice containing the articles to be considered at the Town Meeting. It is like an agenda for a meeting—telling people where and when the meeting will be held and what will be discussed. For a matter to be discussed at the meeting, it must be on the warrant in the form of an article.

**What is an article?** An article is like an agenda item— it tells people what is to be discussed and what is being sought. For any matter to be discussed at the meeting, it must come within the scope of the article. That is, someone reading the article must be able to tell what is going to be discussed. If something 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.

**What is a motion?** A motion is what is presented before the votes at the Town Meeting for action on a particular article. It should be within the scope of the article. That is, it should call for action which appears to be within what was requested in the article.

**How to draft a petition for calling a Town Meeting?** There is no exact wording which must be used, although it is helpful to be complete and use wording generally used. An example would be “We the undersigned petition the Board of Selectmen to call Special Town Meeting to act on the following article (s): (then state the article or articles)”. This type of petition, because you are asking that the Special Meeting be called, requires the 200 signatures or 10% of the voters. After you get enough signatures, you must present it to the Board of Selectmen. You can send it to their office—there is no need for a formal presentation at a meeting.

**How to draft an article?** There is also no required wording, but it is helpful to follow the traditional language used. An example would be “To see is the Town will.....[then state what you want] I.e. “amend the code of the Town by adding to Chapter 124 the following:- [then state what you want]”; “raise and appropriate or appropriate from available funds a sum of money to paint the flag poles”; “accept the provisions of G.L. c. XXX, which calls for such and such” [etc]. It is helpful, although not fatal if not done, to include at the end of the article the phrase “or take any other action relative thereto.” That phrase helps give notice to people that the exact action taken may not be exactly what was stated in the article, but would be relative to what was stated in the article.

Articles involving money should indicate where the money is going to come from (i.e. the tax levy, available funds, “free cash” (which is not really free!!) or certain accounts). Zoning articles must identify the location of Town where the zoning change is to be applicable. There are other rules depending on the nature of the article.

If the Board of Registrars approves of the signatures as being of voters, the article will go on the

warrant. Town Hall does not have the right to correct the article submitted on a citizens' petition, including spelling errors or other errors. The article, if printed in the warrant, will say at the end "Submitted at the request of John Smith and others", usually using the first name on the petition.

**How to draft a motion?** Local practice is to request all motions to be submitted before the meeting. Sometimes motions are not submitted until the day or moment of the meeting—sometimes because information still is not available or because the petitioner did not submit the motion before. You should try to submit the motion to the Town Clerk and Moderator beforehand. If you can't try to call to tell them.

No special language is required for the motion. Motions which involve spending money must state where the money is coming from. Customary language for a motion would be "Move that the Town amend the code of the Town by adding to Chapter 124 the following:- then state what you want."; "Move that the Town raise and appropriate..." or "Move that the Town appropriate from Account XX \$2,000.00 to paint the flag poles." "Move that the Town accept the provisions of G.L. c. XXX, which calls for such and such." etc. The motion should also be signed by whoever is making it. It need not be the first person who signed the petition. It can even be someone who did not sign the petition.

**Where can someone find sample articles and motions?** People have been petitioning Town Meetings for decades. You can see how citizen petitions look as well as articles and motions prepared by local officials by looking at the Annual Report of the Town for any year. The Town Clerk publishes in the report the warrant and motions of the various Town Meetings.

Certain types of requests for Town Meeting action require special wording. Sometimes there is a statute which requires that the article and motion be stated a certain way. Items involving money may require compliance with state municipal finance laws. In any situation where there is money involved, it is a good idea to meet with the Town Manager.

The Town's Advisory Board (formerly the Finance Committee) holds hearings on all articles which are on the warrant. The purpose of the meeting is so that they can get information on the subject matter and be able to advise the Town in a report they publish as to their recommendations on the article. While it is of course helpful to have their recommendation on your article, even if they recommend against it, it can still be presented at Town Meeting and the voters will decide. If there is a financial component to your article, try to estimate its cost and have backup on the cost and benefits.

The Advisory Board will ask you and others to come to a public meeting to discuss the article. These meetings are also attended by others, including the general public, who may advocate for or against the article.

On certain articles and motions involving appropriations of money related to the proposed Town budget, Town Meeting in the past has sometimes adopted a rule that the specific source of the money has to be identified. You should be prepared if possible to address this with the Advisory Board and Town Meeting. You may want to also discuss any article, particularly one involving money, with the Town Manager and other town officials/Department Heads.

At Town Meeting, the Moderator presides at the meeting. In Hull, the order by which articles are considered is usually determined by a bingo drum, with the Town Clerk drawing the number of the next article. There are certain articles which may be taken out of order. The Moderator would then read the motion and once it is seconded, the person who signed the motion can speak on it. Others may thereafter speak on it.

**Amendments and Substitute Motions**— Anyone can amend any motion and anyone can offer a substitute motion.

**Why can't the Town write citizen petition articles and motions?** 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 appropriate cases, suggestions can be made.

Town Meetings and the Town Meeting process are foundations for our democratic system. By the process, you– the public– can participate in community affairs and the operation of your local government.

*[Note: This Guide explains generally the procedure to call for a Town Meeting, to insert an article on the warrant and to present a motion at the meeting. Depending on the subject matter and other factors beyond the scope of this Guide, additional details may be involved, including the need for legal research, drafting and analysis. This summary and Guide is not intended to be legal advice applicable to all situations nor a substitute for legal research and analysis on a particular matter.]*

**SUMMARY FOR PETITIONING TOWN MEETING**  
**(followed by more detailed explanation)**

- I. Warrant—The document which contains the articles which are to be acted on at Town Meeting. It is like an agenda.
  
- II. Article—It is like an agenda item. It is the language in the warrant which describes the action being requested.
  
- III. Motion—It is the actual request for action under an article which is made at the Town Meeting.
  
- IV. To petition for calling a Meeting -
  - a. Annual Town is automatically held in May—no need to file a petition for it.
  
  - b. Special Town Meeting can be called by a petition of at least 200 registered voters or 10% of the registered voters, whichever is less.
  
  - c. The petition must include the signature, residence with street and house number, if any, to be valid.
  
- V. To Petition for Having an Article on the Warrant for the Meeting—
  - a. For the Annual Town Meeting, need a petition with at least 10 signatures of voters.
  
  - b. For Special Town Meeting, need a petition with at least 100 signatures.
  
  - c. The petition must include the signature, residence with street and house number, if any, to be valid.
  
- VI. To Draft an Article for Town Meeting—
  - a. No special language needed—helpful to follow the traditional language used. An example would be “To see if the Town will [then state what you want—i.e. “amend the code of the Town by adding to Chapter 124 and the following: - then state what you want”; “raise and appropriate or appropriate from available funds a sum of money to paint the flag poles”; “accept the provisions of G.L. c. XXX, which calls for such and such”, etc.] It is helpful, although not fatal if not done, to include at the end of the article the phrase “or take any other action relative thereto.”
  
  - b. Articles involving money should indicate where the money is going to come from [i.e. the tax levy, “free cash” (which is not really free!!) or certain accounts—typical general language is “raise and appropriate or appropriate from available funds”) Zoning articles must identify the location of Town where the zoning change is to be applicable. There are other rules depending on the nature of the article.

VII. To Submit a Motion for Action at Town Meeting—

- a. Usually the person who submitted the article submits the initial motion. Anyone can submit a motion on an article. The first motion is the main motion. Other motions are generally either substitute motions or amendments to the main motion. Motions are made by an individual—no need to have additional signatures or names on the motion.
  
- b. No special language is required for the motion. Customary language for a motion would be “Move that the Town raise and appropriate....” or “Move that the Town appropriate from Account XXX \$2,000.00 to paint the flag poles”, “Move that the Town accept the provisions of G.L. c. XXX, which calls for such and such”, etc. Motions which involve spending money must state where the money is coming from. The motion should also be signed by whoever is making it. It need not be the first person who signed the petition—it can be someone who did not sign the petition.

**[Prepared by  
James B. Lampke, Esq., Town Counsel]**

**TOWN OF HULL**  
**Frequently Used Procedural Rules**  
**Prepared by John M. Russell, Jr., Esq.**  
**Former Town Moderator**

**Quorum:** In 1987 we abolished quorum requirements. Therefore, meetings shall begin at the time designated by the Selectmen in the warrant (usually 7:30 PM).

**Order of Articles:** In 1980, we enacted a by-law providing that the order of considering articles, except for the general; budget articles shall be determined by lottery. The moderator has the power to declare that certain articles, due to legal requirements, must be considered before or after other articles or at a certain time.

**Motions:** After an article has been chosen by lottery, the moderator reads the motion pertaining to that article. The motion must be within the scope of the article as printed in the warrant and must be seconded. After a motion has been made, substitute motions and amendments may be before the meeting at any one time.

**Discussion of Articles:** Persons wishing to speak should stand and remain standing until recognized by the moderator. They should begin their remarks by stating their name and address.

**Point of Order:** Is used to raise a procedural questions only. It may be made at any time, requires no second and is not debatable.

**Call for the Question:** Is a motion to terminate debate. It requires a two-thirds vote and is not debatable.

**Voting by Secret Ballot:** Shall occur when the Advisory Board so recommends in writing, or when 15 voters so request, or when required by statute or town by-law.

**Questioning the Vote:** When seven (7) voters question the moderator's calling of voice vote, a standing vote will be taken.

**Motion to Reconsider:** Must be made on the same night that vote to be reconsidered was taken; two-thirds required; a vote once reconsidered cannot be further reconsidered.

**Resolutions:** May be offered without prior notice; are non-binding and not debatable.

Other procedural rules governing our meetings are spelled out in the book "Town Meeting Time", Little Brown, 1962, 2nd Edition 1984.