



General Assembly

**Substitute Bill No. 5121**

*January Session, 2001*

**AN ACT CONCERNING THE PROCEDURE FOR FILLING VACANCIES  
IN THE OFFICE OF UNITED STATES SENATOR.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 9-211 of the general statutes is repealed and the  
2 following is substituted in lieu thereof:

3 In case of a vacancy in the office of senator in Congress, the  
4 Governor is empowered to fill such vacancy by appointment as [herein  
5 provided. If such vacancy occurs sixty or more days prior to a state  
6 election, the appointee shall serve until the third day of January  
7 following such election, and at such election there shall be elected a  
8 senator in Congress to serve for the remaining portion, if any, of the  
9 term vacated. If such vacancy occurs within less than sixty days of a  
10 state election and the term vacated does not expire on the third day of  
11 January following such election, the appointee shall serve until the  
12 third day of January following the next such election but one, and at  
13 such next election but one there shall be elected a senator in Congress  
14 to serve for the remaining portion, if any, of the term vacated. If such  
15 vacancy occurs within less than sixty days of a state election and the  
16 term vacated expires on the third day of January following, the  
17 appointee shall serve until such third day of January] follows:

18 (1) If such vacancy occurs between the first day of the term of said  
19 office and the seventieth day before the municipal election held in

20 November of the same year, inclusive, the appointee shall serve until  
21 the third day of January following such municipal election, and a  
22 senator in Congress shall be elected at such municipal election and  
23 serve for the remaining portion of the term vacated. Each municipality  
24 which does not hold municipal elections in November shall hold a  
25 special election on the day of such November municipal election for  
26 the purpose of filling such vacancy.

27 (2) If such vacancy occurs between the sixty-ninth day before the  
28 municipal election held in November of the first year of the term of  
29 such office and the seventieth day before the state election held in the  
30 second year of the term of such office, inclusive, the appointee shall  
31 serve until the third day of January following such state election, and a  
32 senator in Congress shall be elected at such state election and serve for  
33 the remaining portion of the term vacated.

34 (3) If such vacancy occurs between the sixty-ninth day before the  
35 state election held in the second year of the term of such office and the  
36 seventieth day before the municipal election held in November of the  
37 third year of the term of such office, inclusive, the appointee shall  
38 serve until the third day of January following such municipal election,  
39 and a senator in Congress shall be elected at such municipal election  
40 and serve for the remaining portion of the term vacated. Each  
41 municipality which does not hold municipal elections in November  
42 shall hold a special election on the day of such November municipal  
43 election for the purpose of filling such vacancy.

44 (4) If such vacancy occurs between the sixty-ninth day before the  
45 municipal election held in November of the third year of the term of  
46 said office and the seventieth day before the state election held in the  
47 fourth year of the term of such office, inclusive, the appointee shall  
48 serve until the third day of January following such state election, and a  
49 senator in Congress shall be elected at such state election and serve for  
50 the remaining portion of the term vacated.

51 (5) If such vacancy occurs between the sixty-ninth day before the

52 state election held in the fourth year of the term of such office and the  
53 seventieth day before the municipal election held in November of the  
54 fifth year of the term of such office, inclusive, the appointee shall serve  
55 until the third day of January following such municipal election, and a  
56 senator in Congress shall be elected at such municipal election and  
57 serve for the remaining portion of the term vacated. Each municipality  
58 which does not hold municipal elections in November shall hold a  
59 special election on the day of such November municipal election for  
60 the purpose of filling such vacancy.

61 (6) If such vacancy occurs between the sixty-ninth day before the  
62 municipal election held in November of the fifth year of the term of  
63 such office and the last day of the term of such office, inclusive, the  
64 appointee shall serve until the last day of the term of such office.

65 Sec. 2. Section 9-450 of the general statutes is repealed and the  
66 following is substituted in lieu thereof:

67 Nominations by major parties for any state, district or municipal  
68 office to be filled under the provisions of any law relating to elections  
69 to fill vacancies, unless otherwise provided therein, shall be made in  
70 accordance with the provisions of sections 9-382 to 9-450, inclusive.

71 (1) In the case of nominations for representatives in Congress and  
72 judges of probate in probate districts composed of two or more towns,  
73 provided for in sections 9-212 and 9-218, if the writs of election are  
74 issued by the Governor on or before the twenty-first day of May in an  
75 even-numbered year and the election is to be held on the day of the  
76 state election in such year, the state central committee or other  
77 authority of each party shall, not later than the twenty-fourth day of  
78 May in such year, publish notice of the date for the primary for the  
79 election of delegates to the state or district convention to designate the  
80 party-endorsed candidate for the office to be filled, and the times  
81 specified in sections 9-383, 9-391, 9-400, 9-405 and 9-423 shall be  
82 applicable. The primary so designated shall be held not earlier than the  
83 fifty-sixth day after publication of such notice and not later than the

84 fifth day before the convention. If such writs of election are issued after  
85 the twenty-first day of May in such year, or if the election is to be held  
86 on any day other than the day of the state election, the day scheduled  
87 for the election shall be not earlier than the ninety-first day following  
88 the day on which such writs of election are issued. The state central  
89 committee or other authority of each party shall, not later than the  
90 eighty-fourth day preceding the day of the election, publish notice of  
91 the day for the primary for the election of delegates to the state or  
92 district convention to designate the party-endorsed candidate for the  
93 office to be filled, which day shall be not earlier than the twenty-eighth  
94 day following such publication and not later than the fifty-sixth day  
95 preceding the day of the election. The party-endorsed candidates for  
96 election as delegates to such convention shall be certified to the town  
97 clerks not later than the twenty-first day preceding the day of such  
98 primary. Contesting slates for election as such delegates shall be filed  
99 not later than four o'clock p.m. on the seventh day preceding the day  
100 of such primary. The state or district convention shall be convened not  
101 earlier than the fifth day following such primary and closed not later  
102 than the forty-ninth day preceding the day of the election. Contesting  
103 candidacies for nomination to the office to be filled shall be filed not  
104 later than four o'clock p.m. on the fifth day following the close of such  
105 convention. The Secretary of the State shall fix the day for the primary  
106 of each party for the nomination to the office to be filled, which day  
107 shall be not earlier than the twenty-first day following the close of such  
108 convention and not later than the twenty-first day preceding the day of  
109 the election.

110 (2) In the case of judges of probate in probate districts composed of  
111 a single town, the day named for the election shall be not earlier than  
112 the one-hundred-fifteenth day following the day on which the writ of  
113 election is issued, and the times specified in sections 9-391, 9-405 and  
114 9-423 shall be applicable.

115 (3) (A) In the case of a vacancy in the office of senator in Congress  
116 occurring seventy or more days prior to a municipal election held in  
117 November, under subdivision (1), (3) or (5) of section 9-211, as

118 amended by this act, but not later than the fiftieth day preceding the  
119 day of the primaries for nomination to the municipal offices to be filled  
120 at such municipal election, the party-endorsed candidate of each party  
121 for such office shall be designated at a state convention of such party  
122 which shall be convened not earlier than the sixty-eighth day and  
123 closed not later than the fiftieth day preceding the day of said  
124 primaries; contesting candidacies for nomination to such office shall be  
125 filed not later than four o'clock p.m. on the fourteenth day following  
126 the close of such convention; and the primary of such party for  
127 nomination to such office shall be held simultaneously with the said  
128 primaries of such party for nomination to municipal offices. If such  
129 vacancy in the office of senator in Congress occurs after the fiftieth day  
130 preceding said primaries, such convention shall be closed not later  
131 than the tenth day following the occurrence of such vacancy;  
132 contesting candidates for nomination to such office shall be filed not  
133 later than four o'clock p.m. on the fifth day following the close of such  
134 convention; if the primaries of such party for nomination to municipal  
135 offices to be filled at said municipal election are held not earlier than  
136 the twenty-eighth day following the close of said convention, the  
137 primary of such party for nomination to the office of senator in  
138 Congress to fill such vacancy shall be held simultaneously with the  
139 primaries of such party for nomination to such municipal offices;  
140 otherwise, the Secretary of the State shall fix the day for the primary of  
141 such party for such nomination to the office of senator in Congress,  
142 which shall be not earlier than the twenty-eighth day following the  
143 close of said convention and not later than the twenty-first day  
144 preceding the day of the municipal election. The delegates to any such  
145 state convention shall be the same as the delegates to the state  
146 convention held for the endorsement of candidates for state offices at  
147 the preceding state election.

148 [(3)] (B) In the case of a vacancy in the office of senator in Congress  
149 occurring seventy or more days prior to a state election under  
150 subdivision (2), (4) or (6) of section 9-211, as amended by this act, the  
151 party-endorsed candidate of each party for such office shall be

152 designated at the state convention of such party held for the  
153 endorsement of candidates for the state offices to be filled at such  
154 election; contesting candidacies for nomination to such office shall be  
155 filed not later than four o'clock p.m. on the fourteenth day following  
156 the close of such convention; and the primary of such party for  
157 nomination to such office shall be held simultaneously with the  
158 primaries of such party for nomination to the state and district offices  
159 to be filled at such election. If, at the time such vacancy in the office of  
160 senator in Congress occurs, such state convention has already been  
161 closed, it shall be reconvened by call of the chairman of the state  
162 central committee of such party, which call shall be mailed to each  
163 delegate chosen for such convention not less than seventy-two hours  
164 prior to such reconvening; such reconvened convention shall be closed  
165 not later than the tenth day following the occurrence of such vacancy.  
166 The party-endorsed candidate of such party for such office shall be  
167 designated at such reconvened convention. Contesting candidates for  
168 nomination to such office shall be filed not later than four o'clock p.m.  
169 on the fifth day following the close of such reconvened convention. If  
170 the primaries of such party for nomination to the state and district  
171 offices to be filled at the state election are held not earlier than the  
172 twenty-eighth day following the close of such reconvened convention,  
173 the primary of such party for nomination to the office of senator in  
174 Congress to fill such vacancy shall be held simultaneously with the  
175 primaries of such party for nomination to such state and district  
176 offices; otherwise, the Secretary of the State shall fix the day for the  
177 primary of such party for such nomination to the office of senator in  
178 Congress, which day shall be not earlier than the twenty-eighth day  
179 following the close of such reconvened convention and not later than  
180 the twenty-first day preceding the day of the state election.

181 (4) The times specified in sections 9-391, 9-405 and 9-423 shall be  
182 applicable to any special town election held to fill a vacancy in any  
183 town office under subsection (b) of section 9-164. Except as provided  
184 under subsection (c) of section 9-164, any election held to fill a vacancy  
185 in any municipal office under the provisions of any special act shall be

186 held not earlier than the one hundred twenty-seventh day following  
187 the day upon which warning of such election is issued, and the times  
188 specified in sections 9-391, 9-405 and 9-423 shall be applicable.

189       Sec. 3. This act shall take effect from its passage.

***Statement of Legislative Commissioners:***

The first sentence of subdivision 3(A) of section 2 was rephrased for clarity and consistency with the second sentence of said subdivision 3(A).

***GAE***       *Joint Favorable Subst.*