



House of Representatives

General Assembly

File No. 495

February Session, 2012

House Bill No. 5533

House of Representatives, April 17, 2012

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING VACANCIES IN CERTAIN TOWN OFFICES
AND MINORITY REPRESENTATION.***

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

1 Section 1. Section 9-164 of the general statutes is amended by adding
2 subsection (d) as follows (*Effective July 1, 2012*):

3 (NEW) (d) Notwithstanding any provision of this title or title 7 or
4 any town charter or ordinance for any municipality that holds a
5 municipal election in November of odd-numbered years pursuant to
6 the provisions of this section, such municipality shall include on the
7 ballot for the November election any unexpired term of any elective
8 office for a position on a municipal board, commission, committee or
9 body that is vacant for any cause on September first prior to the
10 November election. The provisions of this subsection shall not apply to
11 a vacancy on the legislative body of a municipality or the local or
12 regional board of education for a municipality.

13 Sec. 2. Subsection (d) of section 9-167a of the general statutes is
14 repealed and the following is substituted in lieu thereof (*Effective July*
15 *1, 2012*):

16 (d) If an unexpired portion of a term is to be filled at the same time
17 as a full term, the unexpired term shall be [deemed to be] filled before
18 the full term for purposes of applying the minority representation
19 provisions of this section. At such time as [the minority representation]
20 such provisions [of this section] become applicable to any board,
21 commission, committee or body, any vacancy thereafter occurring
22 which is to be filled by appointment shall be filled by the appointment
23 of a member of the same political party as that of the vacating member.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	9-164
Sec. 2	<i>July 1, 2012</i>	9-167a(d)

GAE *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill requires certain towns holding November municipal elections in odd-numbered years to include on the ballot elective positions for municipal boards and commissions that are vacant on September 1st before the election. This has no fiscal impact on the state or municipalities.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**HB 5533*****AN ACT CONCERNING VACANCIES IN CERTAIN TOWN OFFICES AND MINORITY REPRESENTATION.*****SUMMARY:**

With two exceptions, this bill requires towns holding November municipal elections in odd-numbered years to include on the ballot elective positions for municipal boards and commissions that are vacant on the September 1st before the election. It exempts legislative bodies and regional and local boards of education from this requirement.

The bill's provisions appear to supersede various statutes that prescribe the method for filling different municipal board and commission vacancies (e.g., appointment or special election). In the case of a special election, the law establishes a calendar that allows for party endorsements and a primary (often beginning several months before the election). It is unclear whether the bill would provide adequate time for endorsements and a primary or when they would have to occur. It is also unclear whether a vacancy would be included on a November ballot even if special election procedures had been initiated earlier.

The bill also makes a technical change for minority representation purposes.

EFFECTIVE DATE: July 1, 2012

BACKGROUND***Minority Representation***

The minority representation law restricts the maximum number of members of one political party who can serve on certain state and

municipal boards and commissions. Once candidates from the same political party fill the maximum allowable slots, the highest vote getters from any other party or parties, or unaffiliated candidates, fill the remaining positions. The table below provides the minority representation requirement.

<i>Total Membership</i>	<i>Maximum from One Party</i>
3	2
4	3
5	4
6	4
7	5
8	5
9	6
More than 9	Two-thirds of total membership

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/29/2012)