



House of Representatives

File No. 638

General Assembly

February Session, 2012 **(Reprint of File No. 495)**

House Bill No. 5533
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 4, 2012

**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) (1) Notwithstanding any provision of this title or title 7
4 or 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 August fifteenth prior to the
10 November election. For any such unexpired term, a town committee
11 may endorse a candidate and the presiding officer and secretary of the
12 town committee shall certify the nomination to the town clerk not later
13 than August thirtieth prior to the November election. No primary shall
14 be held for the nomination of any political party to fill any vacancy in
15 such office and the party-endorsed candidate so certified shall be

16 deemed the nominee of such party. Nominations may also be made by
 17 petition in the manner provided in section 9-379 and sections 9-453a to
 18 9-453p, inclusive, which petitions shall be submitted to the town clerk
 19 of the town in which the signers reside not later than the thirty-sixth
 20 day before the day of the election and filed in the office of the Secretary
 21 of the State not later than two days after submission to the town clerk.

22 (2) The provisions of subdivision (1) of this subsection shall only
 23 apply if, on August fifteenth prior to the November election, no
 24 appointment has been made to fill such vacancy and no special
 25 election is in process to fill such vacancy pursuant to the provisions of
 26 this title, title 7 or the town charter or an ordinance of the municipality,
 27 but shall not apply to any vacancy on the legislative body of a
 28 municipality or the local or regional board of education for a
 29 municipality.

30 Sec. 2. Subsection (d) of section 9-167a of the general statutes is
 31 repealed and the following is substituted in lieu thereof (*Effective July*
 32 *1, 2012*):

33 (d) If an unexpired portion of a term is to be filled at the same time
 34 as a full term, the [unexpired] full term shall be [deemed to be] filled
 35 before the [full] unexpired term for purposes of [applying this section]
 36 determining whether the maximum number of members of a
 37 particular party has been met. At such time as the minority
 38 representation provisions of this section become applicable to any
 39 board, commission, committee or body, any vacancy thereafter
 40 occurring which is to be filled by appointment shall be filled by the
 41 appointment of a member of the same political party as that of the
 42 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)

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 August 15th before the election. This has no fiscal impact on the state or municipalities.

House "A" struck the underlying bill and its associated fiscal impact. The substitute language results in the fiscal impact described above.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5533 (as amended by House Amendment "A")******AN ACT CONCERNING VACANCIES IN CERTAIN TOWN OFFICES AND MINORITY REPRESENTATION.*****SUMMARY:**

With certain 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 August 15th before the election. The bill sets an election calendar for making party endorsements and circulating nominating petitions. It prohibits a primary for the purpose of determining a party nominee.

For minority representation purposes (see BACKGROUND), the bill switches the order for filling full-term positions and vacancies (i.e., unexpired term positions) on boards and commissions whose members are elected. Current law requires vacancies to be filled before full-term positions. The bill instead requires full-term positions to be filled first.

*House Amendment "A" adds the provisions establishing the election calendar and switching the order for filling full-term positions and vacancies on elected boards and commissions.

EFFECTIVE DATE: July 1, 2012

EXCEPTIONS TO VACANCY ELECTIONS

The bill's provisions to do not apply (1) to legislative bodies and regional and local boards of education or (2) when an appointment has been made or a special election process has begun pursuant to the board's or commission's statutory procedure for filling vacancies (see

BACKGROUND).

CALENDAR

Under the bill, a town committee may endorse a candidate for the unexpired term. In this case, the committee’s presiding officer and secretary must certify the nomination to the town clerk by the August 30th before the election. The bill prohibits a party from holding a primary to determine its nominee. Instead, the certified, party-endorsed candidate is considered the party’s nominee.

The bill allows petitioning and minor party candidates to circulate petitions to obtain ballot access. The petitions must be submitted to the town clerk no later than the 36th day before the election and filed with the secretary of the state no later than two days after the submission.

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. Table 1 provides the minority representation requirement.

Table 1: 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

Filling Vacancies on Elected Municipal Board and Commissions

The law generally establishes a procedure for filling vacancies on elected boards and commissions. Table 2 provides examples of these procedures for various municipal boards and commissions.

Table 2: Procedures for Filling Vacancies

<i>Board or Commission</i>	<i>Procedure</i>
Municipal Economic Development Commissions (CGS § 7-136)	The chief executive authority fills the vacancy for the unexpired portion of the term.
Board of Police Commissioners (CGS § 7-275)	The board of selectmen have the authority by majority vote to fill the vacancy until the next town election when the position is put on the ballot for the unexpired portion of the term.
Board of Finance (CGS § 7-343)	The remaining board members appoint a successor by majority vote at a special meeting. The successor serves until the next town election when the position is put on the ballot for the unexpired portion of the term.
Zoning Board of Appeals (CGS § 8-5)	The board of selectmen or chief executive officer fills the vacancy for the unexpired portion of the term.
Municipal Planning Commission (CGS § 8-19)	The commission fills the vacancy for the unexpired portion of the term.

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/29/2012)