
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 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)