



WHO HAS AUTHORITY TO POSTPONE A FIRE COMMISSIONER ELECTION

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ISSUE

Does the law authorize the South Fire District of Middletown to postpone its fire commissioner election?

The Office of Legislative Research is not authorized to provide legal opinions and this report should not be considered one.

BACKGROUND

The General Assembly created the South Fire District of Middletown in 1957 as a special taxing district (SA 57-163). At its February 2, 2015 annual meeting, the district held an election to fill a vacancy for the position of fire commissioner. The election coincided with a snowstorm, which may have caused a low voter turnout.

SUMMARY

The charter for the South Fire District of Middletown is silent on whether the district has the authority to postpone its election. The charter states, however, that "the annual meeting of [the] fire district *shall* be held on the first Monday of February in each year" (Charter § 7, emphasis added). The fire district's [bylaws](#) state that, in the event of a vacancy, "the election of the new Commissioner *shall* be at the next annual meeting" (unless multiple vacancies will exist for more than 60 days or a single vacancy will exist for more than 90 days, in which case the fire district holds a special election) (Bylaws Art. III § 2, emphasis added). The mandatory language of these provisions appears to prohibit the district from postponing its election.

In addition, the bylaws indicate that the fire district must follow Connecticut state and municipal election laws "for the purposes . . . of election" (Bylaws Art. II § 4). We found no authority in the General Statutes that would permit the state or a municipality to postpone an election.

Staff in the Office of the Secretary of State explained that likely only a court could postpone an election. To obtain a court order postponing an election, a party must have standing, meaning he or she must show some personal stake in the election. For example, voters or candidates may have standing if they can demonstrate that they will sustain direct injury or harm unless the election is postponed.

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