
OLR Bill Analysis

sHB 6108

AN ACT CONCERNING BOARD OF EDUCATION VACANCIES.

SUMMARY

This bill (1) specifies when a failure to take the oath of office creates a vacancy on a board of education (BOE) and (2) prohibits the remaining BOE members from filling a vacancy if the next regular election is fewer than 60 days away. As is the case under current law, the bill's BOE provisions do not supersede local charters or special acts.

The bill also makes a minor change to the law concerning filling other municipal board or commission vacancies by specifying that it only applies when a special act, municipal charter, or home rule ordinance is silent on the matter.

The bill also makes conforming changes.

EFFECTIVE DATE: Upon passage

BOARD OF EDUCATION VACANCIES

Defining Vacancy

The bill specifies two conditions that create a vacancy on a BOE:

1. an elected BOE member fails to take the oath of office within 60 days after his or her term begins, or
2. the individual chosen to fill a BOE vacancy fails to take the oath of office within 60 days after being chosen.

Filling the Vacancy

Under current law, if there is a BOE vacancy and the local charter or special act does not provide otherwise, the remaining board members appoint an individual to fill the vacancy until the next regular election.

The bill prohibits the remaining members from filling a vacancy if the next regular election is fewer than 60 days away.

Under the bill, if the next regular election is fewer than 60 days away, (1) the official ballot must specify the BOE vacancy to be filled and (2) the vacancy must be filled for the unexpired portion of the office's term.

OTHER MUNICIPAL BOARD OR COMMISSION VACANCIES

The bill also makes a minor change to the law concerning other municipal board or commission vacancies. Under current law, if not otherwise specified by law, when a position on a town board or commission becomes vacant, the remaining members may appoint an individual to fill the position. If they do not do so within 30 days, the board of selectmen or town's chief executive authority may appoint a qualified individual to fill the vacancy until the next municipal election. The bill specifies that this law applies to situations in which a special act, municipal charter, or home rule ordinance does not specify the procedure for filling vacancies.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 16 Nay 10 (03/02/2021)