



# House of Representatives

General Assembly

**File No. 50**

January Session, 2021

Substitute House Bill No. 6108

*House of Representatives, March 16, 2021*

The Committee on Planning and Development reported through REP. MCCARTHY VAHEY, C. of the 133rd Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING BOARD OF EDUCATION VACANCIES.***

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

1 Section 1. Section 7-107 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) Except as otherwise provided [by law] in subsection (b) of this  
4 section or in any special act, municipal charter or home rule ordinance,  
5 if any vacancy occurs on any town board or commission, and such board  
6 or commission has power by law to fill such vacancy but fails to do so  
7 within thirty days after it occurs, the board of selectmen or chief  
8 executive authority of such town may appoint a qualified person to fill  
9 such vacancy until the next municipal election.

10 (b) If any vacancy occurs on a local board of education, such vacancy  
11 shall be filled in accordance with the provisions of section 10-219, as  
12 amended by this act.

13 Sec. 2. Section 10-219 of the general statutes is repealed and the  
14 following is substituted in lieu thereof (*Effective from passage*):

15 [If] (a) Except as provided in subsection (b) of this section or in any  
16 charter or special act, if a vacancy occurs in the office of any member of  
17 the local board of education, [unless otherwise provided by charter or  
18 special act,] such vacancy shall be filled by the remaining members of  
19 said board until the next regular town election, at which election a  
20 successor shall be elected for the unexpired portion of the term of such  
21 office, the official ballot specifying the vacancy to be filled. In the event  
22 that an individual (1) elected to be a member of said board fails, within  
23 sixty days after the date on which the term of such office begins, to take  
24 the oath of office required under section 10-218a, or (2) chosen to fill a  
25 vacancy on said board pursuant to this subsection fails, within sixty  
26 days after having been so chosen, to take such oath, such office shall be  
27 deemed vacant.

28 (b) If a vacancy occurs in the office of any member of the local board  
29 of education less than sixty days before the next regular town election,  
30 (1) such vacancy shall not be filled by the remaining members of said  
31 board, and (2) at such election a successor shall be elected for the  
32 unexpired portion of the term of such office, the official ballot specifying  
33 the vacancy to be filled.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	7-107
Sec. 2	<i>from passage</i>	10-219

**Statement of Legislative Commissioners:**

In Section 2(a), the last sentence was reworded for clarity.

**PD** Joint Favorable Subst. -LCO

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*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.*

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill makes procedural changes to the board of education, municipal board, and commission vacancies, which is not anticipated to result in a fiscal impact.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**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)