



Senate

General Assembly

File No. 442

January Session, 2021

Senate Bill No. 353

Senate, April 14, 2021

The Committee on Government Administration and Elections reported through SEN. FLEXER of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING MUNICIPAL ELECTIONS.

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

1 Section 1. Subsection (a) of section 9-164 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective January*
3 *1, 2022*):

4 (a) (1) Notwithstanding any contrary provision of law, there shall be
5 held in each municipality, biennially, a municipal election [on the first
6 Monday of May or the Tuesday after the first Monday of November, of
7 the odd-numbered years, whichever date the legislative body of such
8 municipality determines, provided, if no action is taken by the
9 legislative body to so designate the date of such election, such election
10 shall be held] on the Tuesday after the first Monday of November of the
11 odd-numbered years, except that such municipal election may be held
12 on the first Monday of May of the odd-numbered years if the legislative
13 body of such municipality so determines by a two-thirds vote.

14 (2) After January 1, 2022, in any municipality where such municipal
15 election is held on the first Monday of May of the odd-numbered years,
16 in accordance with the provisions of subdivision (1) of this subsection,
17 the legislative body of such municipality may determine by a majority
18 vote to hold such municipal election on the Tuesday after the first
19 Monday of November of the odd-numbered years.

20 (3) In any municipality where the term of any elected official would
21 expire prior to the next regular election held under the provisions of this
22 section, the term of such official shall be extended to the date of such
23 election.

24 Sec. 2. Section 9-164a of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 Notwithstanding any contrary provision of law, in any municipality
27 in which the date of the municipal election has been, or will be, changed
28 under section 9-164, as amended by this act, and in which the terms of
29 office of one or more elected municipal officers had not, or will have not,
30 expired at the time of the holding of the first municipal election in
31 accordance with such changed date under said section, the legislative
32 body of such municipality shall, prior to [July 25, 1969] January 1, 2022,
33 provide for a reasonable method of transition for such offices which may
34 include reasonable extension of such terms and provision for interim
35 terms. Except as provided in sections 9-164b to 9-164f, inclusive, as
36 amended by this act, 9-187 and 9-187a, in the absence of such action by
37 such legislative body, the terms of any such officers which do not
38 terminate within three months after such first or a subsequent municipal
39 election held under [said] section 9-164, as amended by this act, shall be
40 extended to the municipal election next held after the expiration of such
41 terms, or to such date, within seventy days after such election, on which
42 the terms of municipal officers generally begin in such municipality, at
43 which election successors shall be elected for the terms provided for by
44 law or for such other transitional terms as are necessary to provide the
45 rotation required by law. The clerk of the municipality, in preparing the
46 list provided for under section 9-254, shall set forth such terms or

47 transitional terms therein.

48 Sec. 3. Section 9-164b of the general statutes is repealed and the
49 following is substituted in lieu thereof (*Effective from passage*):

50 As to any board or commission of a municipality with a rotating
51 membership, some of the members of which, prior to [the] any change
52 [to a uniform] in a municipal election date for such municipality under
53 section 9-164, as amended by this act, were elected for terms beginning
54 approximately one year after the date of their election, the legislative
55 body of such municipality may provide for such conforming changes in
56 the beginning date of the terms of office as are designed to continue the
57 rotation with regard to such office as it existed prior to such change, and
58 in the absence of such action by such legislative body, the beginning
59 date of the terms of such office shall be so changed by the clerk of the
60 municipality in preparing the list provided for under section 9-254. With
61 respect to any board or commission of a municipality with a rotating
62 membership established under sections 8-1, 8-4a, 8-5 and 8-19, the
63 authority empowered to prescribe the term of office of the members of
64 such board or commission, if it is authorized under said sections to
65 provide for an odd-numbered year term, may further provide for
66 deferred terms by prescribing which terms are to begin approximately
67 one year from the date on which the terms of municipal officers
68 generally begin in such municipality.

69 Sec. 4. Section 9-164c of the general statutes is repealed and the
70 following is substituted in lieu thereof (*Effective January 1, 2022*):

71 [After January 1, 1970] On or after January 1, 2022, any municipality
72 may [by charter, or by vote of the legislative body approved at a
73 referendum of the electors to be held within thirty days thereafter,]
74 change the date of its municipal election [by designating the alternate
75 date specified in] in accordance with the provisions of section 9-164, as
76 amended by this act, [as the date of the municipal election, provided (1)
77 no such charter provision adopted, nor such vote of such legislative
78 body so approved, within six months prior to any municipal election
79 may be effective with respect thereto, and (2)] provided in changing

80 from the November municipal election date specified in section 9-164,
81 as amended by this act, to the May municipal election date therein
82 specified, the terms of incumbent municipal elected officials shall be
83 diminished to conform to such change but for a period of not more than
84 nine months. [and (3)] In the case of a municipality described in
85 subdivision (2) of subsection (a) of section 9-164, as amended by this act,
86 in changing from the May municipal election date specified in said
87 section [9-164] to the November date therein specified, the terms of
88 incumbent municipal elected officials shall be extended to conform to
89 such change but for a period of not more than nine months.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>January 1, 2022</i>	9-164(a)
Sec. 2	<i>from passage</i>	9-164a
Sec. 3	<i>from passage</i>	9-164b
Sec. 4	<i>January 1, 2022</i>	9-164c

GAE *Joint Favorable*

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

This bill requires each municipality to hold its biennial municipal election in November of odd-numbered years unless its legislative body votes by a two-thirds majority to hold the election in May of odd-numbered years, effective January 1, 2022. After January 1, 2022, the bill authorizes any municipality holding its biennial municipal election in May to instead hold the election in November through a majority vote of its legislative body.

This bill has no fiscal impact as it shifts election costs from May to November in odd-numbered years. The bill has no fiscal impact on the state.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

SB 353

AN ACT CONCERNING MUNICIPAL ELECTIONS.

SUMMARY

Effective January 1, 2022, this bill requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years unless its legislative body votes by a two-thirds majority to hold the election on the first Monday in May of odd-numbered years. After January 1, 2022, the bill authorizes any municipality holding its biennial municipal election in May to instead hold the election in November through a majority vote of its legislative body. It eliminates provisions in current law that (1) allow municipalities to change the date of their biennial municipal election by vote of their legislative body approved at a referendum or by charter and (2) prohibit municipalities from changing an upcoming election’s date within six months before its occurrence.

The bill extends, to municipalities that change their election date, existing law’s provisions on transitioning and deferring terms of office. It also makes several technical changes.

EFFECTIVE DATE: January 1, 2022, except that most provisions on transitioning and deferring terms of office are effective upon passage.

TRANSITIONING AND DEFERRING TERMS OF OFFICE

Table 1 below summarizes existing law’s transition provisions and their application under the bill (it appears some of these provisions may overlap).

Table 1: Transitioning and Deferring Terms of Office

§	<i>Municipalities to Which Provision</i>	<i>Requirement or Authorization</i>
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	Applies	
1	Any municipality that changes its election date	The terms of any elected officials that are set to expire before the next regular election because of an election date change must be extended to the date of that election.
2	Any municipality that changes its election date	For municipal elected officials whose terms will not have expired by the first municipal election after an election date change, the legislative body must provide for a reasonable transition method by January 1, 2022, such as term extensions or interim terms. (Presumably, this requirement applies to municipalities whose election date is changed from May to November.)
3	Any municipality that changes its election date	For boards or commissions with a rotating membership and some members elected before the date change to terms beginning approximately one year after that election, the legislative body may defer the terms in order to continue the rotation. (For certain bodies, such as zoning boards of appeals, this may be done by ordinance.)
4	A municipality that changes its election date from November to May on or after January 1, 2022	The terms of incumbent municipal elected officials must be reduced to conform to the change, but by no more than nine months.
4	A municipality that changes its election date from May to November on or after January 1, 2022	The terms of incumbent municipal elected officials must be extended to conform to the change, but by no more than nine months.

BACKGROUND

Related Bill

sSB 5, favorably reported by the Government Administration and Elections Committee, requires each municipality to hold its biennial municipal election in November and has similar and additional provisions on transitioning terms of office.

Municipalities and Boroughs Holding May Municipal Elections

According to the Office of the Secretary of the State, the following five

municipalities hold biennial municipal elections on the first Monday in May in odd-numbered years: Andover, Bethany, Union, Woodbridge, and the City of Groton. The remaining municipalities (including the Town of Groton) hold their elections in November.

In addition, the following eight boroughs hold biennial municipal elections on the first Monday in May:

1. Bantam (Litchfield)
2. Danielson (Killingly)
3. Fenwick (Old Saybrook)
4. Jewett City (Griswold)
5. Litchfield
6. Newtown
7. Stonington
8. Woodmont (Milford)

COMMITTEE ACTION

Government Administration and Elections Committee

Joint Favorable

Yea 13 Nay 5 (03/29/2021)