

History of the Constitutional Limitation on Salary Increases for Elected Municipal Officials

By: Matthew H. Frame, Legislative Analyst II
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Issue

Provide an overview of the history of the constitutional provision limiting salary increases for elected officials ([Conn. Const. art. XI, § 2](#)), specifically a 1982 amendment to this provision that provides two exceptions for certain municipal elected officials ([Conn. Const., amend. XIX](#)).

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

Summary

Before 1877, the state constitution was silent on the issue of municipal elected officials' compensation, which was generally handled through state legislation or local ordinances. However, two constitutional amendments were adopted, which added limitations on their compensation. The first, in 1877, prohibited elected officials, including municipal elected officials, from receiving "extra" compensation.

The second of these amendments was passed in response to a state supreme court decision interpreting the 1877 amendment. In 1978, a town authorized salary increases for several municipal elected officials, including for a mayor in the middle of his term. The state supreme court upheld the increase as constitutional. In response, the legislature proposed, and the public adopted, a constitutional amendment that explicitly prohibited these mid-term increases in compensation (not just "extra" compensation or gratuities) for state and municipal elected officials. This prohibition is still in effect today and allows an exception for:

1. legislative bodies which may authorize a salary increase once during the term of a municipal elected official if (a) the term is four years or longer and (b) the official has served at least two years of that term and
2. elected officials of towns where the legislative body is a town meeting (i.e., a form of local government in which most or all community members are eligible to legislate policy and budgets for local government).

Constitution of 1818

The [state constitution of 1818](#) addressed compensation for certain state elected officials. It authorized the legislature to set, by law, the compensation for the governor, lieutenant governor, senators, and representatives, but prohibited any adjustments from going into effect until after the election next held after the law's passage (Conn. Const. art. IV, § 4). It did not, however, explicitly address compensation for municipal elected officials.

Amendment XXIV Barring Extra Compensation

In March 1877, the legislature proposed an amendment to prohibit extra compensation to municipal elected officials, among others, and the public approved the amendment in October 1877 (Conn. Const., amend. XXIV).

Neither the general assembly nor any county, city, borough, town, or school district, shall have power to pay or grant any extra compensation to any public officer, employee, agent or, servant, or increase the compensation of any public officer or employee, to take effect during the continuance in office of any person whose salary might be increased thereby, or increase the pay or compensation of any public contractor above the amount specified in the contract.

McGovern v. Mitchell

In 1905, the legislature authorized through law an increase in judicial salaries. A citizen brought suit claiming the increase violated Art. XXIV (*McGovern v. Mitchell*, 78 Conn. 536 (1906)). The court found that (1) general increases in a judge's normal compensation were constitutional but (2) the constitutional provision prevented the specified bodies from awarding extra compensation or gratuities outside of what was pre-established.

Constitutions of 1955 and 1965

Incorporation

When the state adopted a new constitution in 1955, the 1877 amendment to the 1818 constitution was readopted (as art. X, § 4) and later incorporated into the [1965 state constitution](#) (as art. XI, § 2):

Neither the general assembly nor any county, city, borough, town or school district shall have power to pay or grant any extra compensation to any public officer, employee, agent or servant, or increase the compensation of any public officer or employee, to take effect during the continuance in office of any person whose salary might be increased thereby, or increase the pay or compensation of any public contractor above the amount specified in the contract.

Scalo v. Mandanici

In *Scalo v. Mandanici* (179 Conn. 140 (1979)), 39 elected and appointed Bridgeport officials were granted salary increases within a few months of assuming office by an ordinance enacted by the Common Council. Some residents of Bridgeport filed suit, claiming that the ordinance violated this constitutional provision prohibiting extra compensation during an elected official's continuance in office.

The state supreme court found that the ordinance did not violate the constitution, citing precedent (including *McGovern*) in which the court had distinguished properly legislated salary increases for public employees and officials from gratuitous or extra grants of compensation. Additionally, the court noted that the city charter authorized the council to set the appropriate compensation for city officials and observed that "if there is an abuse of legislative power the ballot box continues to be the avenue of recourse for aggrieved citizens."

Amendment XIX Generally Barring Mid-Term Pay Increases

In response to *Scalo v. Mandanici*, and to prevent elected officials from voting raises for themselves, the legislature began rewriting this constitutional provision. The legislature adopted HJR 46 during the 1981 legislative session and the public approved the amendment the following year.

Except as provided in this section, neither the state nor any political subdivision of the state shall pay or grant to any elected official of the state or any political subdivision of the state, any compensation greater than the amount of compensation set at the beginning of such official's term of office for the office which such official holds or increase the pay or compensation of any public contractor above the amount specified in the contract. The provisions of this section shall not apply to elected officials in towns in which the legislative body is the town meeting. The compensation of an elected official of a political subdivision of the state whose term of office is four years or more may be increased once after such official has completed two years of his term by the legislative body of such political subdivision. The term "compensation" means, with respect to an elected official, such official's salary, exclusive of reimbursement for necessary expenses or any other benefit to which his office would entitle him.

During the Senate debate, Senator Ballen commented on the overall purpose of the amendment:

“People who run for public office certainly know the salary that office pays before they assume it and once they are in that office, they should not be allowed to raise their salaries at will. This resolution will prevent that and therefore it will stabilize salaries...”

Exceptions to Amendment XIX

The amendment specifically prohibits, with exceptions, an increase in an elected official’s salary for the duration of his or her term, overriding *Scalo*. One exception allows political subdivisions to authorize one salary increase during an elected official’s term if (1) the term is four years or more (e.g., town clerks and registrars) and (2) the official has served at least two years of the term.

Concerning this exception, Senator Curry made the following statement during the Senate debate:

[W]here we have registrars and town clerks serving four years, four-year terms, if their legislative body wants to raise their salary that it be allowed to do so. And it only applies to those officials who are serving four year terms and who fall mainly into those categories. It can only be done once over the course of the four years and then after they have completed two whole years of that term, I think it is a reasonable idea and it is an idea which is supported by the small towns of the state and I think it just makes sense that we not ask these people, and not all of them are really paid all that much, to necessarily go an entire four years without their own local council being able to vote any increase at all in their salary (24 S. Proc. Pt. 15, 1981 Sess., p. 125).

A second exception exempts towns where the legislative body is a town meeting. Concerning this exemption, Senator Curry stated:

[T]he proposed amendment would not apply to elected officials in towns in which the legislative body is a town meeting (i.e., if the citizens of the towns themselves wish to vote a pay increase at an open town meeting for any official of the government, they be allowed to do so) (24 S. Proc. Pt. 15, 1981 Sess., p. 124).

During the House Debate, Representative Walkovich, when discussing these exceptions, summarized them as such:

Number 1, it states that the provisions of this section shall not apply to elected officials, in which the legislative body is the town meeting. And secondly, for those elected officials who may have a four year term, for instance, elected Town Clerks, Tax Collectors, or Registrar of Voters, their salaries may be raised after the 2 year period has elapsed (24 H. Proc. Pt. 25, 1981 Sess., p. 46).

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