
ARTICLE III

ELECTIONS AND ELECTORS

§3-1 Application of General Laws; Qualification of Electors; Polling Hours⁹.

Except as otherwise provided in this Charter, all elections within and for the City shall be held pursuant to the provisions of the general laws of the State of Connecticut. At any City election, the polls shall be kept open as required by the General Statutes. The Common Council of said City may by Ordinance duly passed and published, divide the City into two or more voting districts; and all provisions of law now existing, or which may hereafter be enacted, regulating the holding of elections in the other voting districts of said City shall be applied to said new voting districts when so established.

§3-2 Terms of Office of Elective Officers; Date of Elections; Special Elections.

(a) Commencement Date of the Term of Office¹⁰. The term of office of elected officers hereunder shall commence at noon on the Tuesday following their election and until their respective successors are elected and have qualified.

(b) Date of Election of Elective Offices. Except as hereinafter provided, on the Tuesday after the first Monday in November and in the odd numbered years thereafter as the term of office shall fall, the electors of the City shall elect from their number by a plurality of ballots the following officers: (1) Mayor; (2) City and Town Clerk; (3) Collector of Taxes; (4) Treasurer; (5) Three members of the Board of Assessment Appeals¹¹ (of whom no person shall vote for more than two members of said Board); (6) Eight Constables (of whom no person shall vote for more than four); (7) Five members of the Board of Education (of whom no person shall vote for more than three members of said Board), whose terms of office shall be staggered as prescribed by Ordinance¹²; and, (8) Fifteen members of the Common Council, who shall be elected as set forth below in this Charter.

(c) Term of Office. All of said officials shall hold their respective offices for a term of two years with the exception of the City Clerk and Board of Education whose term shall be four years.

(d) Residential Requirements for Elective Office¹³. All officers elected by said City shall be electors of said City and all members of the Common Council representing districts shall be residents of their respective Districts.

(e) Oaths of Office¹⁴. Every officer of the City shall be sworn before entering upon the duties of office by the City Clerk. The form of the oath to be taken by the clerk shall be as follows:

"You, A. B., do solemnly swear that you will faithfully perform the duties of the office of Town Clerk and of clerk of the City of New Britain so long as you continue the clerk thereof; that you will make true entries and records of all the votes and proceedings of said City and all such other matters as by law or by the Ordinances of said City are to be recorded in your office; that you will deliver true copies of the records in your office when they shall be required of you, on the receipt of lawful fees therefor, so help you God."

Such oath shall be administered to such clerk by any persons competent to administer oaths, and thereafter said clerk shall administer to all other officials of said City the following oath:

"You, A. B., having been elected to the office of _____ for the City of New Britain, solemnly swear that you will faithfully and honestly perform the duties of the office of _____ for the City of New Britain to the best of your judgment and skill, so help you God,"

and the fact of the administration of such oath shall be entered upon the City records.

(f) Vacancies in Various Elective Offices¹⁵.

(1) Vacancies Resulting From Changes In Member's Residence or Political Party Registration. A member of Common Council elected from a district shall be deemed to have resigned upon ceasing to be a resident of that district. A member of the Common Council elected at large shall be deemed to have resigned upon ceasing to be a resident of the City. With the exception of the final three (3) months of the term of office, a member of Common Council who changes political party registration and thereby impacts the balance of political parties in a Common Council District, as required by §3-3, below, shall be deemed to have resigned.

(2) Filling Vacancies. A vacancy in any elective office or in office occupied by Common Council appointees, from whatever cause arising, shall be filled by majority vote of the Common Council within sixty (60) days following the vacancy, provided any vacancy shall be filled by appointment of a person of the same political party as the appointee's predecessor and, in the case of a member of Common Council elected from a district, the appointee shall be a resident of the district in which the vacancy occurs. An appointment made after the expiration of sixty (60) days shall nonetheless be valid. The person so chosen shall hold office for the remainder of the term and until such successor shall be elected and shall have qualified.

§3-3 Composition of the Common Council¹⁶.

The Common Council shall be comprised of fifteen (15) members, consisting of two (2) members elected from each of five (5) Common Council Districts and five (5) elected at large.

§3-4 Establishment of Common Council Districts.

(a) No later than thirty (30) days following the completion of reapportionment of the general assembly, as required by the Constitution of the State of Connecticut, as further set forth in the General Statutes the Common Council shall appoint a districting commission ("Appointment Date") consisting of four (4) to eight (8) members, no more than fifty (50) percent of whom shall be members of the same political party. The districting commission shall report to the Common Council no later than seventy (70) days following the Appointment Date, setting forth the recommended boundaries of the five (5) Common Council districts. If the districting commission fails to file its report with the City Clerk by the close of business on the seventieth (70th) day following the Appointment Date, the provisions of subsection (f) of this section shall be invoked.

(b) Common Council districts (1) shall be of substantially equal population and otherwise consistent with all federal and state constitutional and statutory requirements; (2) to the extent possible consistent with the preceding, shall maintain the integrity of recognized neighborhood planning areas; (3) shall be

geographically contiguous and compact; and (4) to the extent possible consistent with the preceding, shall be consistent with existing legislative districts.

(c) The districting commission shall be supported in its work by appropriate City staff which shall have available to it the necessary support to facilitate the work of the commission as well as such other professional assistance (subject to appropriation) as it shall choose.

(d) The districting commission shall hold a public hearing at least one week before it submits its report to the Common Council, and shall make a tentative map of its proposed districts available to the public electronically, in hard copy available at the City Clerk's office, and by causing it to be published in one or more newspapers of daily circulation in the City at least three (3) days before the public hearing. The districting commission may modify the tentative districts before submitting its report to the Common Council.

(e) The Common Council shall vote on the establishment of Common Council districts within three (3) weeks of its receipt of the districting commission's report. The Common Council may amend the district boundaries recommended by the districting commission before approving districts, but the districts approved by the Common Council must comply with the standards of subsection (b) of this section. A resolution approving districts must be affirmatively supported by a majority of the members of Common Council, and shall not be subject to veto by the Mayor.

(f) If the districting commission shall fail to file its report as set forth in subsection (a), above, or if the Common Council shall fail to approve Common Council districts within the time limit established by subsection (e), the Mayor shall appoint a three (3) member commission, no more than two (2) of whom shall belong to the same political party, which shall file a report with the City Clerk delineating Common Council District boundaries within three (3) weeks of its appointment. The report of this Commission shall establish the boundaries of Common Council Districts.

Transition Provision. No later than thirty (30) days following the adoption of this Charter Amendment the Common Council shall appoint a districting commission as set forth in §3-4(a). The date of appointment in this Transition Provision shall constitute the "Appointment Date" for purposes of apportioning the Common Council Districts for the 2003 general municipal election. In all other respects the procedures set forth in §3-4(b)-(f) pertaining to the apportionment of the Common Council Districts shall proceed from the Appointment Date established in this transition provision and shall be in full force and effect. In no event shall the apportionment exceed the time permitted in C.G.S. §9-169f¹.

¹ DRAFTING NOTE: C.G.S. §9-169g requires the "reapportionment" of a legislative body to be adopted "Not later than June first in the year after the first regular general assembly election following a reapportionment of the general assembly".