
OLR Bill Analysis

sSB 1140

AN ACT CONCERNING THE APPOINTMENT OF JUSTICES OF THE PEACE.

SUMMARY

This bill establishes processes for appointing justices of the peace (“justices”) when (1) the town clerk must fill vacancies but did not get enough applications during the quadrennial application filing period to do so or (2) a municipality creates new justice positions more than 90 days ahead of the next scheduled appointment period.

The bill also establishes a working group to examine and make recommendations on various topics related to justices by June 30, 2024.

EFFECTIVE DATE: Upon passage

FILLING TOWN CLERK-APPOINTED VACANCIES

By law, justices are appointed by either the town clerk or a major political party, generally for four-year terms and on a quadrennial schedule coinciding with presidential elections. The law specifies separate procedures for appointments made by the town clerk (i.e., for individuals not affiliated with a major political party) and by major political parties (i.e., Republicans, Democrats, or parties whose last gubernatorial candidate received at least 20% of all votes cast (CGS § 9-372(5))).

By law, those seeking a town clerk appointment must submit an application between August 1 and November 1, inclusive, during the scheduled appointment year (every fourth year). If there are more applicants than open justice positions, the town clerk must first reappoint applicants who are incumbent justices, then order the remaining applicants using a lottery system. If a town clerk must fill a mid-term vacancy, the law requires the town clerk to appoint the

applicant who is next highest on the lottery order.

Under current law, if there are more vacancies than applicants remaining on the list, or the lottery was never held, the vacancy must stay unfilled until the next quadrennial application period. The bill instead requires the town clerk to hold another application period. The town clerk must give public notice of the number of vacancies and appointment procedure and then accept written applications from eligible individuals for up to 30 days. Under the bill, anyone who was eligible for an appointment by a major political party (e.g., is a registered Democrat or Republican) in the three months before the public notice is ineligible to apply.

As under existing law, if there are more applicants than open positions, the town clerk must hold a public lottery, after five days' notice, to prioritize applicants to fill these and any future vacancies. The bill requires the town clerk to hold the lottery between 10 and 15 days after the application period ends. If, in any year, the town clerk gets too few applications to fill all of the vacancies, the bill prohibits the clerk from appointing any more justices.

APPOINTING JUSTICES TO NEWLY CREATED POSITIONS

Current law does not specify a process by which newly created justice positions may be filled. Under the bill, when a municipal ordinance or charter amendment creates new positions more than 90 days ahead of the scheduled quadrennial appointment, justices may be appointed to serve the remainder of the four-year terms (i.e., until the next scheduled appointment). Existing law specifies how the total number of justice appointments are allocated to each major political party and the town clerk (generally one-third of appointments to each). The bill's provisions on newly created positions apply despite these laws. So, it is unclear whether newly created positions are allocated in the same way as under the existing law.

The bill also requires town clerks and major parties to follow the procedures in existing law that apply to appointments during quadrennial appointment years. (By law, unchanged by the bill, major

parties may only nominate justices during certain years, which align with state elections. Additionally, major parties are, under certain circumstances, required to hold primaries before nominating justices. The law aligns these primaries with state election primaries, which remain unchanged under the bill. So, although the bill appears to intend to allow major parties to fill newly created positions before the next quadrennial appointment period, it appears the existing procedures may not allow this, depending on the timing of when the positions are created.)

WORKING GROUP

The bill establishes a nine-member working group to examine and make recommendations on the following:

1. the methods for determining the number of justice positions in each municipality and state-wide;
2. the portability of justice appointments across town lines;
3. the justice selection process;
4. potential training, qualification, application, and background check requirements;
5. oversight of justices;
6. potential legal consequences of misrepresenting oneself as a justice; and
7. issues related to reporting human trafficking, forced marriages, and marriage fraud.

The working group must consist of the secretary of state or her designee, who serves as the chairperson, and the eight appointed members shown in the table below. Appointing authorities must make their initial appointments within 30 days after the bill's passage and fill any vacancies that arise.

Table: Task Force Appointed Members

<i>Appointing Authority</i>	<i>Number of Appointments</i>	<i>Qualifications (if any)</i>
House speaker	Two	One justice and one representative of a professional organization for justices
Senate president pro tempore	Two	Town clerks from different political parties
House majority leader	One	Town party chairperson
House minority leader	One	Town party chairperson
Senate majority leader	One	Justice who is not a member of a major political party
Senate minority leader	One	A justice

The chairperson must schedule the first meeting, which must be held within 60 days after the bill passes. The working group must report its findings and recommendations, by June 30, 2024, to the Government Administration and Elections Committee and secretary of the state. The task force terminates when it submits its report or on January 30, 2024, whichever is later.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/24/2023)