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April 17, 2008

John Florek, Esq.
Chairman, Town Charter Revision Committee
Stratford Town Council
2725 Main Street
Stratford, CT 06615

Re: Special Elections

Dear Mr. Florek:

At a recent Charter Revision Commission meeting, you requested that we research the time frame required for a special election upon the vacancy of an elected municipal office. We have researched the issue and found Connecticut General Statutes § 9-164 "Regular and Special Municipal Elections" to be directly applicable to the question.

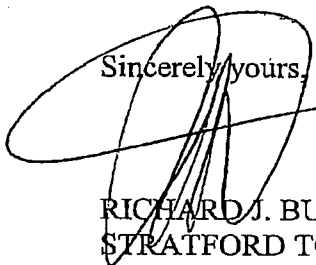
C.G.S. § 9-164 subsection (b) provides that "[u]pon the occurrence of a vacancy in a municipal office... a special municipal election may be convened either by the ... municipality or upon application of twenty electors of the municipality filed with the municipal clerk." *Id.* Regardless of whether the election is convened by the board of selectmen or upon application of twenty electors, the date of the election shall be determined by the municipality, and notice of such date shall be filed with the municipal clerk. *Id.* In determining the date of such election, the Town shall allow the time specified for holding primaries for municipal office in § 9-423 (56th day preceding the day of the election) and the time specified for the selection of party-endorsed candidates for municipal office in § 9-391 (not earlier than the 56th day or later than the 49th day preceding the day of such primary). In the event the election occurs as a result of the application of twenty electors, the date of the election shall not be later than the one hundred fiftieth day following the filing of such application. *Id.* Except as otherwise provided by general statute, the provisions of the general statutes pertaining to elections and primaries shall apply to special municipal elections. *Id.* It should be further noted that "no such election may be held unless the municipal clerk first files notice of the office or offices to be filled at such election with the town chairman of the town committee of each major and minor party within the municipality and with the secretary of the state at least three weeks in advance of the final time specified for the selection of party-endorsed candidates

J. Florek
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for municipal office in § 9-391." Id. The municipal clerk shall, in addition, warn such election in the same manner as the warning of municipal elections pursuant to § 9-226. Id.

In summary, following a vacancy in an office, party endorsed candidates should be specified fifty six days prior to a primary, primaries should then be no earlier than fifty six days prior to the election. Additionally, the town clerk must file a notice at least three weeks prior to endorsement. The total amount of days between a vacancy and election should be no less than one hundred and thirty-three (133) days. Generally, however, I would recommend working off a one-hundred and fifty (150) day estimate of time. I trust this opinion will prove helpful.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Richard J. Buturla', is written over the typed name and title. The signature is somewhat stylized and overlaps the text below it.

RICHARD J. BUTURLA
STRATFORD TOWN ATTORNEY