



General Assembly

**Substitute Bill No. 5494**

February Session, 2024



**AN ACT CONCERNING REFERENDA ON REVISIONS TO MUNICIPAL CHARTERS AND HOME RULE ORDINANCES.**

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

1 Section 1. (NEW) (*Effective July 1, 2024*) (a) Whenever by law it is  
2 provided that a proposed charter amendment or home rule ordinance  
3 amendment may be submitted to a vote of the electors of a municipality  
4 pursuant to section 7-191 of the general statutes, as amended by this act,  
5 or to any special act, charter or ordinance, the provisions of this section  
6 shall apply in addition to all other applicable provisions of chapter 152  
7 of the general statutes.

8 (b) (1) Subject to the provisions of subdivision (2) of this subsection,  
9 the designation of a proposed charter amendment or home rule  
10 ordinance amendment on the ballot shall be "Shall (here insert the  
11 question, in a form requiring a "Yes" or "No" response, followed by a  
12 question mark)" and, unless such question as presented adequately  
13 explains the proposed change or changes, shall include a precise and  
14 fair explanation of such proposed change or changes that shall not  
15 advocate either the approval or disapproval of such amendment. Such  
16 question and any such explanation shall be presented on the ballot using  
17 simple, precise, clear, unambiguous and plain language.

18 (2) In the case where a proposed charter amendment or home rule

19 ordinance amendment addresses multiple distinct subjects, each such  
20 subject shall be submitted as a separate designation on the ballot. Where  
21 changes are being proposed across multiple provisions of such a charter  
22 or home rule ordinance, only those changes that relate to a single subject  
23 may be submitted as a single designation on the ballot.

24 (c) Any municipality may provide for the preparation, printing and  
25 dissemination of concise summaries of arguments in favor of, and  
26 arguments opposed to, a proposed charter amendment or home rule  
27 ordinance amendment, which summaries shall otherwise comply with  
28 the provisions of subsection (c) of section 9-369b of the general statutes,  
29 as amended by this act.

30 (d) Not later than thirty days after the appointing authority, as  
31 defined in section 7-187 of the general statutes, of a municipality, or  
32 other official of a municipality as required by a special act, charter or  
33 ordinance, prepares for the ballot each designation described in  
34 subsection (b) of this section, in accordance with the provisions of  
35 subsection (f) of section 7-191 of the general statutes, as amended by this  
36 act, a petition signed by not less than one per cent of the electors of such  
37 municipality, as determined by the last-completed registry list thereof,  
38 may be presented to the municipal clerk and to the Secretary of the State  
39 for the purpose of contesting any such designation as being in violation  
40 of subsection (b) of this section.

41 (e) The petition described in subsection (d) of this section shall specify  
42 (1) the designation or designations being contested and the grounds for  
43 each such contest, and (2) the name, mailing address, electronic mail  
44 address and telephone number of the person to whom, or organization  
45 to which, each notice pertaining to such petition shall be given. The  
46 information described in subdivisions (1) and (2) of this subsection shall  
47 appear, identically, on each page of such petition, and such information  
48 shall also be filed with the registrars of voters of the municipality and  
49 the appointing authority or other official of the municipality, as  
50 described in subsection (d) of this section, at the same time that such  
51 petition is presented to the municipal clerk and the Secretary of the State

52 under subsection (d) of this section.

53 (f) Each elector described in subsection (d) of this section shall include  
54 on such petition, in addition to such elector's signature, the printed  
55 name, address and date of birth of such elector. Each page of such  
56 petition may only be circulated by one circulator who shall, under  
57 penalties of false statement, certify on such page or the reverse side  
58 thereof (1) the name and address of the circulator, (2) the number of  
59 signatures on such page, (3) that each elector whose name appears on  
60 such page signed the page in person in the presence of the circulator,  
61 and (4) that either the circulator knows each such elector or that such  
62 elector satisfactorily identified such elector to the circulator. Each such  
63 page shall also be acknowledged before an appropriate person as  
64 provided in section 1-29 of the general statutes.

65 (g) (1) Not later than five days after the petition described in  
66 subsection (d) of this section has been presented to the municipal clerk,  
67 such municipal clerk shall return a copy of such petition to the person  
68 or organization described in subsection (e) of this section with (A) a  
69 notice of the dates on which such petition was so presented and so  
70 returned, and (B) such municipal clerk's determination under  
71 subdivision (2) of this subsection of whether such petition complies with  
72 the provisions of subsections (d) to (f), inclusive, of this section, and the  
73 notice required by subparagraph (B) of subdivision (2) of this  
74 subsection, if necessary. Such municipal clerk shall also give notice of  
75 the information described in subparagraphs (A) and (B) of this  
76 subdivision to the registrars of voters of the municipality.

77 (2) (A) If the municipal clerk determines the petition so complies,  
78 such municipal clerk shall (i) approve such petition, (ii) affix to such  
79 petition a certification of compliance, and (iii) promptly deliver in  
80 person, or send by certified mail, such certified petition to the Secretary  
81 of the State. The Secretary shall, upon receipt of such certified petition,  
82 give notice of such receipt to the person or organization described in  
83 subsection (e) of this section and to the registrars of voters of the  
84 municipality.

85 (B) If the municipal clerk determines that the petition fails to so  
86 comply, such municipal clerk shall promptly give notice to the person  
87 or organization described in subsection (e) of this section advising of (i)  
88 the reason for such failure and the manner in which such  
89 noncompliance may be cured, and (ii) the date under subsection (d) of  
90 this section by which such petition is required to be presented to such  
91 municipal clerk in order to comply with the provisions of this section.

92 (h) (1) The Secretary of the State shall review each certified petition  
93 received under subparagraph (A) of subdivision (2) of subsection (g) of  
94 this section to determine whether the designation or designations  
95 contested by such certified petition comply with the provisions of  
96 subsection (b) of this section.

97 (2) (A) (i) If the Secretary determines a designation, including any  
98 designation timely filed by the appointing authority or other official of  
99 the municipality, as described in subsection (d) of this section, in  
100 accordance with the provisions of subparagraph (A)(ii) of this  
101 subdivision, so complies, the Secretary shall approve such designation  
102 and such designation shall appear on the ballot for submission to the  
103 electors of the municipality.

104 (ii) The Secretary may consult with the person or organization  
105 described in subsection (e) of this section and with officials of the  
106 municipality and may recommend an alternate designation that would  
107 comply with the provisions of subsection (b) of this section. The  
108 appointing authority or other official may approve such alternate  
109 designation recommended by the Secretary within the time required  
110 under subsection (b) of section 9-369a of the general statutes, as  
111 amended by this act, and upon such approval such alternate designation  
112 shall supersede the previously prepared designation.

113 (B) If the Secretary determines a designation fails to so comply, the  
114 Secretary shall reject such designation, such designation shall not  
115 appear on the ballot for submission to the electors of the municipality  
116 and such municipality may initiate a new action to amend its charter or

117 home rule ordinance pursuant to section 7-188 of the general statutes.

118 (3) In the event the Secretary both approves one or more designations  
119 pursuant to subparagraph (A) of subdivision (2) of this subsection and  
120 rejects one or more designations pursuant to subparagraph (B) of said  
121 subdivision, which designations were prepared to appear on the same  
122 ballot for submission to the electors of a municipality, the appointing  
123 authority or other official of the municipality, as described in subsection  
124 (d) of this section, may withdraw one or more of the approved  
125 designations within the time required under subsection (b) of section 9-  
126 369a of the general statutes, as amended by this act. Any such  
127 withdrawn designation shall not appear on the ballot for submission to  
128 the electors of the municipality.

129 (i) A municipality may appeal any rejection of a designation by the  
130 Secretary of the State pursuant to subparagraph (B) of subdivision (2) of  
131 subsection (h) of this section to the superior court for the judicial district  
132 in which such municipality is located. Both the Secretary and the person  
133 or organization described in subsection (e) of this section shall be named  
134 as defendants in such appeal. For the purposes of this subsection, any  
135 such organization shall have capacity to be sued and to defend such  
136 lawsuit. Process shall be served to such person or organization at the  
137 mailing address specified in the petition described in subsection (d) of  
138 this section, except that, if such mailing address is a post office box,  
139 service of process by certified mail, return receipt requested, shall be  
140 required and considered valid unless otherwise provided by the rules  
141 of the Superior Court. Any appeal taken under this subsection shall be  
142 privileged with respect to assignment. On the day fixed for the hearing  
143 of such appeal, the court shall, without delay, proceed to hear the parties  
144 and render a decision. The court may order any proper remedy,  
145 including, but not limited to, alteration of any designation and  
146 modification of the date on which any designation shall appear on the  
147 ballot for submission to the electors of such municipality.

148 (j) Nothing in this section shall be construed to preclude any person,  
149 organization or municipality from seeking other remedies provided by

150 law, provided no court shall stay the appearance of a designation on the  
151 ballot or stay the holding of a referendum by reason of such appearance  
152 unless the court (1) requires such a stay pursuant to subsection (i) of this  
153 section, or (2) makes a finding of extraordinary circumstances.

154 Sec. 2. Subsection (f) of section 7-191 of the general statutes is repealed  
155 and the following is substituted in lieu thereof (*Effective July 1, 2024*):

156 (f) The proposed charter, charter amendments or home rule  
157 ordinance amendments shall be prepared for the ballot by the  
158 appointing authority and may be submitted in the form of one or several  
159 questions in accordance with the provisions of section 1 of this act; and,  
160 if approved by a majority of the electors of the municipality voting  
161 thereon at a regular election or if approved by a majority which number  
162 equals at least fifteen per cent of the electors of the municipality as  
163 determined by the last-completed active registry list of such  
164 municipality at a special election, such proposed charter, charter  
165 amendments or home rule ordinance amendments shall become  
166 effective thirty days after such approval unless an effective date or dates  
167 are specified therein, in which event the date or dates specified shall  
168 prevail.

169 Sec. 3. Section 9-369 of the general statutes is repealed and the  
170 following is substituted in lieu thereof (*Effective July 1, 2024*):

171 Whenever at any regular or special state or municipal election any  
172 vote for approval or disapproval of any constitutional amendment or  
173 any question or proposal is taken pursuant to the Constitution, the  
174 general statutes or any special act, unless otherwise provided, such  
175 election shall be warned and held, the vote on such amendment,  
176 question or proposal cast and canvassed and the result determined and  
177 certified as nearly as may be in accordance with the provisions  
178 governing the election of officers in the state or in such municipality.  
179 The warning for such election shall state that a purpose of such election  
180 is to vote for the approval or disapproval of such amendment, question  
181 or proposal and shall state the section of the Constitution or of the

182 general statutes or the special act under authority of which such vote is  
183 taken. The vote on such amendment, question or proposal shall be taken  
184 by a "Yes" and "No" vote on the voting tabulator. [, and the] Except as  
185 provided in section 1 of this act for a proposed charter amendment or  
186 home rule ordinance amendment, the designation of such constitutional  
187 amendment, or of such question or proposal, on the ballot shall be "Shall  
188 (here insert the question or proposal, followed by a question mark)".  
189 Such ballot shall be provided for use in accordance with the provisions  
190 of section 9-250. The municipal clerk shall number on the ballot the  
191 questions to be voted upon according to the order in which they will  
192 appear thereon, provided amendments to the Constitution shall be  
193 numbered by the Secretary of the State in numerical order based upon  
194 the dates on which resolutions proposing such amendments were  
195 passed, precedence being given to the earliest passed unless otherwise  
196 provided by the resolutions proposing such amendments. Each elector  
197 shall vote "Yes" if in favor of the amendment, question or proposal or  
198 "No" if not in favor thereof. If, upon the official determination of the  
199 result of such vote, it appears that a majority of all the votes so cast are  
200 in approval of such amendment, question or proposal, such  
201 amendment, question or proposal shall, unless otherwise provided, take  
202 effect forthwith.

203 Sec. 4. Subsection (b) of section 9-369a of the general statutes is  
204 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
205 *2024*):

206 (b) When the clerk of the municipality determines that the necessary  
207 action has been taken for submission of the question, he shall, at least  
208 forty-five days prior to the election, file in the office of the Secretary of  
209 the State a statement setting forth the designation of the question as it is  
210 to appear on the ballot at the election, the date upon which the  
211 submitting action was taken and the reference to the law under which  
212 the action was taken. [Such] Except as provided in section 1 of this act  
213 for a proposed charter amendment or home rule ordinance amendment,  
214 such designation shall be in the form of a question, as provided in  
215 section 9-369, as amended by this act. Whenever it is specifically

216 provided in the general statutes that any such question may be  
217 approved for such submission within the period of forty-five days prior  
218 to such an election, and action is taken to submit a question within such  
219 period, the clerk of the municipality shall file the statement required by  
220 this subsection with the Secretary of the State immediately upon the  
221 taking of such action.

222 Sec. 5. Subsection (c) of section 9-369b of the general statutes is  
223 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
224 *2024*):

225 (c) [Any] Except as provided in section 1 of this act for a proposed  
226 charter amendment or home rule ordinance amendment, any  
227 municipality may provide, by ordinance, for the preparation, printing  
228 and dissemination of concise summaries of arguments in favor of, and  
229 arguments opposed to, local proposals or questions approved for  
230 submission to the electors of a municipality at a referendum for which  
231 explanatory texts are prepared under subsection (a) of this section. Any  
232 such ordinance shall provide for the establishment or designation of a  
233 committee to prepare such summaries, in accordance with procedures  
234 set forth in said ordinance. The members of said committee shall be  
235 representatives of various viewpoints concerning such local proposals  
236 or questions. The committee shall provide an opportunity for public  
237 comment on such summaries to the extent practicable. Such summaries  
238 shall be approved by vote of the legislative body of the municipality, or  
239 any other municipal body designated by the ordinance, and shall be  
240 posted and distributed in the same manner as explanatory texts under  
241 subsection (a) of this section. Each summary shall contain language  
242 clearly stating that the printing of the summary does not constitute an  
243 endorsement by or represent the official position of the municipality.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>July 1, 2024</i>	7-191(f)
Sec. 3	<i>July 1, 2024</i>	9-369



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Sec. 4	July 1, 2024	9-369a(b)
Sec. 5	July 1, 2024	9-369b(c)

**Statement of Legislative Commissioners:**

In Section 1, "of a municipality, or other official of a municipality as required by a special act, charter or ordinance," was added for clarity and accuracy in Subsec. (d), and references to such "other official" were added for consistency in Subsecs. (e), (h)(2)(A) and (h)(3); in Section 1(f), the first sentence was rewritten for clarity; in Section 1(g), Subdivs. (1)(B) and (2)(B) were rewritten for clarity and consistency, and "give notice thereof" was changed to "give notice of such receipt" for clarity in Subdiv. (2)(A); in Section 3, "the designation of such amendment, question or proposal on" was changed to "the designation of such constitutional amendment, or of such question or proposal, on" for clarity; and in Section 5(c), "charter amendment" was changed to "proposed charter amendment" for consistency.

**GAE**      *Joint Favorable Subst.*