

Procedure for creating a Charter

In Connecticut municipalities can be governed by “Home Rule”, where the municipality establishes a charter commission which recommends a governing structure and outlines the responsibilities of the elected and appointed officials and boards. This includes such things as whether we would have a mayor, or town manager, a Town Council, the length of terms for elected officials and so forth. In addition, the charter would specify how budgets are approved, how bond issues are approved, and other details. The charter takes effect after approval at a referendum, thus the “home rule”. Almost all large cities and towns in Connecticut use this form of government.

The second form, called the “Town Meeting” form of government, which we currently operate under, requires towns to follow state statutes that specify a Board of Selectmen, a Board of Finance, etc. Elections are held as specified in these state statutes. Budgets can be approved at a Town Meeting, or at referendum, as are bond issues. Significant changes to budgets and capital purchases also require Town Meetings. The requirement for Town Meetings can slow approvals of projects and major purchases.

The Town Meeting form of government is considered to be impractical in large cities. Town meetings in a city of over 100,000 citizens is surely impractical, and referenda on significant purchases and large projects are similarly not practical because there are a lot more of them in these cities, and referenda have a significant cost when multiple voting locations are required. Thus, the necessity for a representative form of government.

Initiation

The process can be triggered by the jurisdiction's appointing authority or voters. A municipality's appointing authority is the (1) town's board of selectmen, town council, or board of directors; (2) city's common council or other body empowered to make ordinances; or (3) borough's board of burgesses. For special taxing districts, the appointing authority is the board of directors or other governing body.

The appointing authority can start the process if two-thirds of its members agree. Voters can start the process if 10% of them sign a petition to that effect, according to requirements the law establishes for preparing petitions and validating signatures. In the case of municipal charter petitions, the law requires petition signatures to be obtained within 90 days of the date when the page containing them was filed with the appointing authority in order for the signatures to be valid. In the case of either municipal or district charter petitions, it allows the petition to recommend items for the commission to consider. The petitioners must file the petition with the town or district clerk, who must validate the signatures and certify its sufficiency to the appointing authority ([CGS §§ 7-188\(c\)](#), [7-189](#), and [7-328a\(c\)](#)).

In either case, the appointing authority appoints a commission to draft the charter or charter amendments ([CGS §§ 7-188\(b\)](#) and [7-328a\(b\)-\(c\)](#)). Once the clerk certifies a municipal charter petition's sufficiency, the clerk cannot accept another petition for the same purpose until the first commission terminates ([CGS § 7-188\(d\)](#)).

Appointing the Charter Commission

The appointing authority must appoint a charter commission consisting of between five and 15 voters, no more than one-third of whom can hold another municipal or district office and no more than a bare majority of whom can belong to the same political party. The appointing authority must appoint all of the commissioners within 30 days after it voted to start the process or the clerk certified the petition ([CGS § 7-190\(a\)](#)).

The appointing authority can recommend items for the commission to consider, and the commission must consider these and any other items specified in the petition, if there was one. The commission can also consider other items it deems desirable or necessary. Its draft and final reports must discuss all of the items it considered.

The appointing authority must adopt a resolution setting a deadline for the commission to complete its draft report, which must fall within 16 months after the commission's appointment. The commission terminates after the appointing authority accepts or rejects the commission's final report ([CGS §§ 7-190\(b\) and \(c\)](#)).

Holding Public Hearings on the Proposed Charter or Amendments

The commission and the appointing authority must separately hold public hearings on the proposed charter or amendments. The commission must hold at least two hearings, one before it begins to draft its proposal and one before it submits the draft to the appointing authority. It may opt to hold additional hearings ([CGS § 7-191\(a\)](#)).

After completing its hearings, the commission must submit the proposal to the town or district clerk, who must send it to the appointing authority, which must hold at least one hearing on the proposal. Its last hearing can be no later than 45 days after it receives the report ([CGS § 7-191\(b\)](#)).

The appointing authority has up to 15 days from its last hearing to recommend changes to the proposal ([CGS § 7-191\(b\)](#)). If it does not make any, it tacitly accepts the report as the commission's final report and must act on it. If it does recommend changes, the law requires the commission to discuss them with the appointing authority. The commission may accept these recommendations and incorporate them into its proposal or reject them. In either case, it must submit its final report to the appointing authority no later than 30 days after the appointing authority makes its recommendations ([CGS § 7-191\(c\)](#)).

Approving the Charter or Amendments

The appointing authority must act on the commission's final report no later than 15 days after receiving it. It can, by majority vote, approve or reject the entire proposal or reject parts of it. If it rejects all or parts of the proposal, voters can petition for a referendum. They have 45 days to submit the petition, which must be signed by at least 10% of the voters. The petition requirements are the same as those for requesting a charter commission ([CGS § 7-191\(d\)](#)).

No later than 30 days after approving the final report or the petition's certification, the municipality or district must publish at least once in a newspaper the (1) proposed charter or (2) portion being amended, with a notice that a complete copy is available in the clerk's office or by mail on request ([CGS § 7-191\(d\)](#)).

The appointing authority must also decide by majority vote the forum for submitting the proposal to the voters for approval. Municipalities may submit the proposal at a regular or special election while districts may submit one at a regular or special district meeting. In both cases, the referendum must be held no later than 15 months after the appointing authority approved the proposal or the respective clerks certified the petition.

The appointing authority must also decide whether to submit the proposal to the voters as a single question or several questions ([CGS §§ 7-191\(e\) and \(f\)](#)).

The voting requirements for approving the proposal depend on whether the vote is taken at a regular or special election (or meeting). A majority vote is required for proposals submitted at regular elections or district meetings. A majority vote is also required for those submitted at special elections or meetings, but that majority must equal at least 15% of all municipal or district voters. If approved, the proposal takes effect 30 days after the vote, unless the proposal requires otherwise ([CGS § 7-191\(f\)](#)).

The town or district clerk must file copies of the approved charter or amendments with the secretary of the state no later than 30 days after the voters approve them ([CGS § 7-191\(g\)](#)).