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## **OLR Bill Analysis**

### **sHB 5509**

#### ***AN ACT CONCERNING JUSTICES OF THE PEACE.***

#### **SUMMARY**

This bill requires vital statistics registrars (often town clerks) to wait at least 48 hours after receiving an application for a marriage license before issuing the license. It correspondingly delays the period during which the wedding can be held (no sooner than 48 hours after applying for the license and no later than 65 days after the license's issuing date, rather than the application date).

Separately, the bill defines what constitutes official misconduct by justices of the peace ("justices") and makes them liable for any damages caused by their misconduct. It correspondingly requires the secretary of the state ("secretary") to investigate allegations of misconduct and authorizes her to take certain enforcement actions, including revoking a justice's appointment. The bill also requires the secretary to publish a manual on justice duties by July 1, 2027, which justices must certify they have read.

Justices are normally appointed according to a four-year schedule. The bill establishes processes for appointing them when (1) a municipality creates new justice positions 91 days or more ahead of the next scheduled appointment period or (2) the town clerk must fill vacancies but did not get enough applications during the quadrennial application filing period.

Lastly, the bill establishes a working group to examine and make recommendations on various justice-related topics by January 1, 2027.

**EFFECTIVE DATE:** October 1, 2026, except the (1) provisions barring justice misconduct and allowing the secretary to investigate misconduct take effect January 1, 2027, and (2) working group provision is effective

upon passage.

## **§ 1 — JUSTICE MANUAL & QUALIFICATIONS**

The bill requires the secretary, by July 1, 2027, to publish on her office’s website a manual that describes the justices’ duties (see BACKGROUND). To be qualified as a justice under the bill, an individual must (1) be appointed through one of the processes set out in existing law and (2) certify, on a form the secretary creates, that they received and read the manual. Generally, justices must make this certification within 30 days after their appointment. For justices appointed before July 1, 2027, they must do it by August 1, 2027.

## **§§ 1-3 — JUSTICE MISCONDUCT**

### ***Prohibited Acts***

The bill prohibits justices from doing any of the following:

1. performing any official action with the intent to deceive or defraud anyone;
2. using their title to endorse or promote any product, third-party service, contest, or offering; or
3. performing a marriage the justice knows, or should know, is unlawful under state law or the federal law that, among other things, criminalizes entering a marriage to evade immigration laws.

### ***Liability for Official Misconduct***

Under the bill, a justice has engaged in official misconduct if he or she, while executing justice duties, performs an act (1) described above (a “prohibited act”) or that another state law prohibits; (2) in a way the secretary finds to be negligent, fraudulent, or unlawful; or (3) that is against the public interest. Failure to perform an act state law requires is also official misconduct under the bill.

The bill makes a justice liable for damages that were proximately caused by the justice’s official misconduct.

### ***Secretary of the State Enforcement***

The bill requires the secretary to investigate any allegations of official misconduct by a justice. It specifies that this investigation may continue even if the justice's appointment expires, is revoked, or is voluntarily terminated.

At the end of the investigation, the secretary must issue findings. If the secretary finds that a justice engaged in official misconduct, the bill authorizes her to (1) issue a written warning or reprimand or (2) suspend or revoke the justice's appointment, even if it would conflict with a special act or municipal charter or ordinance.

The bill also authorizes the secretary to adopt regulations to carry out these misconduct-related provisions.

### **§ 4 — FILLING NEWLY CREATED POSITIONS**

Through a process specified in existing law, justices are selected by major political parties (Republicans, Democrats, and any parties whose last gubernatorial candidate received at least 20% of all votes cast). Under this process, they are generally selected on a quadrennial schedule that aligns with state election years and their appointment terms are for four years. But the law currently 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 justice positions 91 days or more ahead of the scheduled quadrennial appointment, justices may be appointed to serve the remainder of the four-year term (until the next scheduled appointment).

### ***Division of Appointments***

Of these new positions, generally half are selected by each political party that is considered major based on its party enrollment (the Democrats and Republicans), with the registrars of voters deciding by lottery which party gets an additional selection if there are an uneven number. However, if a third political party qualifies as major based on its candidate receiving at least 20% of the votes cast in the prior gubernatorial election, it selects 20% of the positions, rounded down to

the nearest whole number. Under the bill, whoever the political parties nominate as their selections qualify as justices.

If a major party fills a vacancy, it must file an appointment certificate with the town clerk, as existing law requires. The town clerk must record the certificate with the town meeting's records and notify the secretary about the appointment.

#### **§ 5 — FILLING TOWN CLERK-APPOINTED VACANCIES MID-SCHEDULE**

By law, people seeking an appointment by a town clerk (meaning they are not affiliated with a major political party) must apply 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 (if a justice gives up his or her role early, for example), the law requires the clerk to appoint the applicant who is next highest in 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 clerk must give public notice about the number of vacancies and appointment procedure and then accept written applications from eligible individuals for the next 30 days. Under the bill, anyone eligible for an appointment by a major political party (generally a registered Democrat or Republican) in the three months before the public notice is ineligible to apply.

The same notice requirements apply to the process under the bill (filling mid-term vacancies) as apply to the process in existing law (filling quadrennial vacancies). If there are more applicants than open positions, the town clerk must hold a public lottery, after at least 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 clerk gets too few applications to fill all of the vacancies, the bill prohibits the clerk from appointing any more justices.

### **§ 8 — JUSTICE WORKING GROUP**

The bill establishes an 11-member working group to examine and make recommendations on the following:

1. ways to determine the number of justice positions in each municipality and statewide;
2. the portability of a justice appointment from one municipality to other municipalities;
3. the justice selection process;
4. potential training, qualification, application, and background check requirements;
5. oversight of justices, including potential fines;
6. potential legal consequences of misrepresenting oneself as a justice; and
7. issues related to human trafficking, forced marriage, and marriage fraud.

The working group must consist of the secretary of the state or her designee, who serves as the chairperson, and the 10 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</i>
House speaker	Two	One justice and one representative of a professional organization for justices
Senate president pro tempore	Two	Town clerks
House majority leader	One	Town party chairperson

<b><i>Appointing Authority</i></b>	<b><i>Number of Appointments</i></b>	<b><i>Qualifications</i></b>
House minority leader	Two	One town party chairperson and one town clerk
Senate majority leader	One	Justice who is not a member of a major political party
Senate minority leader	Two	One justice and one town clerk

The chairperson must schedule and hold the first meeting within 60 days after the bill passes. The working group must report its findings and recommendations, by January 1, 2027, to the Government Administration and Elections Committee. It ends on the date it submits the report.

## **BACKGROUND**

### ***Justice of the Peace Authority***

A justice's authority generally includes administering oaths and signing affidavits after administering oaths (CGS § 1-24), acknowledging legal documents (CGS § 1-29), performing marriage ceremonies (CGS § 46b-22), taking depositions and issuing subpoenas to compel witnesses to attend them (CGS § 52-148c), and issuing tax warrants (CGS § 12-130).

## **COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 21 Nay 0 (03/13/2026)