

Office of Legislative Research  
Connecticut General Assembly



**ACTS AFFECTING TOWN CLERKS**



2011-R-0141

Amanda Gordon, Research Fellow

March 25, 2011

## **NOTICE TO READERS**

This report provides brief highlights of new laws (public acts) affecting town clerks passed during the 2010 regular and special sessions.

Not all provisions of the acts are included. Complete summaries of all 2010 public acts are available in OLR's *Summary of 2010 Public Acts* on OLR's webpage: [www.cga.ct.gov/olr/OLRPASums.asp](http://www.cga.ct.gov/olr/OLRPASums.asp).

Readers are encouraged to obtain the full text of acts that interest them from the Connecticut State Library, the House Clerk's Office, or the General Assembly's website: [www.cga.ct.gov](http://www.cga.ct.gov).

## **TABLE OF CONTENT**

|   |   |
|---|---|
| <b>ELECTIONS</b> .....                                  | 4 |
| Absentee Voting by Members of the Military.....         | 4 |
| Independent Expenditures.....                           | 4 |
| <b>MUNICIPAL EMPLOYEES</b> .....                        | 5 |
| Appointment of Municipal Assessors.....                 | 5 |
| <b>LAND RECORDS</b> .....                               | 5 |
| Conservation and Preservation Restrictions .....        | 5 |
| Long Island Sound.....                                  | 5 |
| Association Rules Restricting Residential Leasing ..... | 5 |
| <b>RECORDS ADMINISTRATION</b> .....                     | 6 |
| Unsworn Declarations .....                              | 6 |
| Nondisclosure of Information to Inmates.....            | 6 |
| <b>FEES</b> .....                                       | 6 |
| Sportsman’s Fees .....                                  | 6 |
| <b>MISCELLANEOUS</b> .....                              | 7 |
| Municipal Recycling Requirements .....                  | 7 |

## **ELECTIONS**

### ***Absentee Voting by Members of the Military***

**PA 10-1, June 2010 Special Session (§§ 35-39)**, changes state election law to comply with the federal Military and Overseas Voter Empowerment Act. Generally, it allows (1) applications for absentee ballots to be issued and returned electronically and (2) military and overseas absentee ballots to be issued electronically. Under the act, town clerks must transmit the applications and ballots electronically at the applicant's or elector's request, whichever applies.

Any application that is transmitted electronically may be returned electronically, provided the applicant also mails the original to the town clerk, either separately or together with the completed absentee ballot. An absentee ballot is not counted unless the completed original application is mailed to the clerk. Similarly, when a clerk issues a ballot electronically, he or she must include a secretary of the state-prescribed certification that the elector must complete, sign, and return with the completed ballot in order for it to be counted.

The act makes U.S. citizens age 18 and older who were born outside the country but whose parent or guardian was a

Connecticut resident before leaving the country eligible to vote by presidential or overseas ballot in a federal election administered in Connecticut. It also extends, from noon to 5:00 p.m., the close of the mandatory voter registration session held to admit certain individuals on the last weekday before a regular election.

EFFECTIVE DATE: Upon passage

### ***Independent Expenditures***

**PA 10-187** eliminates the prohibition on independent (political) expenditures made by businesses and organizations (e.g., labor unions) and authorizes them to make unlimited independent expenditures. The act removes the requirement that a group of two or more individuals acting together that spends up to \$1,000 to support or oppose a candidate or a referendum question must designate a campaign treasurer and depository institution or file a certification with the town clerk that the group's expenditures will not exceed \$1,000. It also eliminates the requirement that a group of two or more individuals that spends \$1,000 or less in support of or opposition to a referendum must file a registration certification with the State Elections Enforcement

Commission or town clerk, whichever applies.

EFFECTIVE DATE: Upon passage

## **MUNICIPAL EMPLOYEES**

### ***Appointment of Municipal Assessors***

**PA 10-84** eliminates a municipality's option to elect assessors and only allows municipalities to appoint them. The act requires the town clerk to swear the assessor to the faithful performance of his or her duties. The law already required an assessor to be sworn before beginning his or her duties.

EFFECTIVE DATE: October 1, 2010

## **LAND RECORDS**

### ***Conservation and Preservation Restrictions***

**PA 10-85** requires a municipality to record certain information in the land records whenever it (1) acquires real property with the intent to place a conservation, preservation, or other restriction on its use or (2) intends to permanently protect municipal property by dedicating it as a park or open space land.

EFFECTIVE DATE: Upon passage for the municipal land records provisions

## ***Long Island Sound***

**PA 10-106** requires anyone receiving a wetlands regulated activity permit, dredging permit, certificate of permission for routine maintenance, or emergency authorization for corrective action on or after October 1, 2010, to file a certified copy of the document within 30 days of issuance in the land records of the municipality where the property is located. It also requires a property owner transferring land for which such a document is issued to record the document in the land records before the transfer. The act authorizes electronic transmittal of wetlands regulated activity permit applications to the chief administrative officer of any town in which proposed work is located.

EFFECTIVE DATE: October 1, 2010

### ***Association Rules Restricting Residential Leasing***

**PA 10-186** makes unit owner association rules that restrict residential leasing unenforceable unless the restriction is recorded in the land records of each town encompassing any part of the common interest community. The notice must be indexed by the town clerk in the grantor index of land records in the association's name.

EFFECTIVE DATE: July 1, 2010

## **RECORDS ADMINISTRATION**

### ***Unsworn Declarations***

**PA 10-33** specifies how someone located outside the boundaries of the United States can make an unsworn declaration that will be given the same effect as a sworn declaration required or permitted by state law. It also expands the crime of perjury to include false statements in unsworn declarations made under the act's provisions.

Under the act, an "unsworn declaration" is a declaration in a signed record that is not under oath but is given subject to the state penalty for perjury. A "sworn declaration" is a declaration in a signed record under oath and includes a sworn statement, verification, certificate, or affidavit.

EFFECTIVE DATE: October 1, 2010

### ***Nondisclosure of Information to Inmates***

**PA 10-58** prohibits public agencies from disclosing under the Freedom of Information Act personnel, medical, or similar files about current or former employees of the (1) Department of Correction (DOC), including members and employees of the Board of Pardons and Paroles, and (2) Department of Mental Health and Addiction Services to people in DOC custody or

supervision or confined in a facility of the Whiting Forensic Division of Connecticut Valley Hospital. The exemption includes records of (1) the departments' security investigations of such employees and (2) investigations of discrimination complaints by or against the employees.

EFFECTIVE DATE: Upon passage

## **FEES**

### ***Sportsman's Fees***

**PA 10-3**, among other things, decreases from \$15 to \$13 the fee for purchasing a Connecticut Migratory Bird Conservation Stamp. It also eliminates the town clerks' ability to retain a \$0.50 fee for stamp issuance, instead allowing the Department of Environmental Protection (DEP) commissioner to set the issuance fee. The act also changes several sportsman's fees and requires the DEP commissioner to establish (1) procedures and processes to conduct transactions for licenses, permits, stamps, and tags and (2) a schedule of the parts of fees agents may retain.

EFFECTIVE DATE: Upon passage

## **MISCELLANEOUS**

### ***Municipal Recycling Requirements***

**PA 10-87** requires the DEP commissioner to amend the list of items required to be recycled to include (1) containers of three gallons or less made of polyethylene terephthalate plastic and high-density polyethylene plastic; (2) boxboard; and (3) additional types of paper, including magazines, residential high-grade white paper, and colored ledger paper.

The act gives municipalities more time to recycle designated items. A municipality must recycle the designated items within six months of the availability of service by a regional processing center or local processing system. Prior law required a municipality to recycle the items within three months of the establishment of service by a center or system.

The act requires nonresidential solid waste generators to provide for recycling and use separate collection containers. It also changes municipal recycling reporting requirements, restricts municipal zoning regulations from prohibiting recycling receptacles, and requires some municipalities to provide curbside or backyard recyclable collection.

EFFECTIVE DATE: July 1, 2010

AG: ek