

Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

TOWN CLERKS



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NOTICE TO READERS

This report provides highlights of new laws (public acts) affecting town clerks enacted during the 2012 regular legislative session. In each summary, we indicate the bill number or public act (PA) number, if available. The report does not cover special acts and public acts that were vetoed unless the veto was overridden.

Not all provisions of the acts are included here. Complete summaries of all 2012 public acts are available on OLR's webpage:
<http://www.cga.state.ct.us/olr/publicactsummaries.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: <http://www.cga.state.ct.us/default.asp>.

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ELECTIONS

Election Day Registration (EDR)

A new law allows eligible people to register to vote and cast a ballot on Election Day (i.e., the day of a regular state or municipal election). It establishes EDR procedures and eliminates the use of presidential ballots by current state residents because they may instead vote under the act's EDR provisions. (The act leaves presidential ballots in place for former state residents.)

The act also eliminates the requirement for town clerks to mail duplicate copies of presidential ballot applications to the appropriate state or local official in the municipality or state where the applicant resides or formerly resided.

(**PA 12-56**, effective July 1, 2013)

Military and Overseas Absentee Voting

New legislation allows active duty members of the armed forces, their spouses or dependent family members living where they are stationed, and other U.S. citizens living or traveling outside the country on Election Day to return their voted absentee ballots by email or fax.

When military and overseas voters return their completed

ballots electronically, they must include a secretary of the state-prescribed (1) cover sheet and (2) if applicable, certification. (In order for the ballot to be counted, the law requires military and overseas voters who request and receive an absentee ballot electronically to return with them a signed certification.)

Under the act, these ballots are counted with other absentee ballots if (1) they are received by the time polls close and (2) the voter has not also mailed a hard copy.

(**sHB 5556**, §§ 23-25, effective upon passage)

No Excuse Absentee Voting and Moderator's Returns

The legislature passed a resolution that proposes a constitutional amendment to (1) remove restrictions on voting by absentee ballot and (2) permit a person to vote without appearing at a polling place on Election Day. The resolution also lifts the constitutional deadlines by which the lists of results (i.e., moderator's returns) for state officers and General Assembly members must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively). The statutory deadlines remain in place (CGS § 9-314).

Because the resolution did not pass by a three-fourths vote in each chamber, it will be referred

to the 2013 legislative session, where it must again pass each chamber by a majority vote in order to appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

(**RA 12-1**, referred to the 2013 legislative session.)

Permanent Absentee Ballot Status

By law, electors with permanent disabilities may apply to the registrars of voters for permanent absentee ballot status. To be eligible, an elector must file an application together with a doctor's certificate stating that he or she has a permanent disability and cannot appear in person at his or her polling place.

Under a new law, electors who have permanent absentee ballot status automatically receive an absentee ballot, rather than a ballot application, for each election, primary, and referendum in the municipality in which they are eligible to vote.

(**PA 12-57**, effective January 1, 2013)

Voting District Returns and Maps

By law, town clerks in towns divided between two or more legislative or Congressional districts or with more than one voting district must file with the secretary of the state (1) election

returns for each voting district in a specified tabular format no later than 21 days after a regular state election and (2) local voting district maps no later than 30 days after any boundary change.

The act requires town clerks with access to a computer to electronically file local voting district returns. It similarly requires town clerks to submit voting district maps in electronic form, when possible. It establishes a \$20 fine for clerks who fail to comply with the law's filing deadlines and the act's electronic filing requirements.

Finally, the act requires the secretary of the state to include in her biannual training conferences for registrars of voters and town clerks information on how to electronically file voting district returns.

(**PA 12-73**, §§5-7, effective October 1, 2012)

FEES

Recording Fees

Prior law authorized town clerks to charge a \$1 fee per page for a copy of any document recorded or filed in their offices. A new law allows them to charge the fee for a copy in any format (e.g., CD-ROM or microfilm). The act also increases, from \$1 to \$2, the fee for recording a mortgage assignment after the first two assignments.

(**sHB 5539**, effective October 1, 2012)

FREEDOM OF INFORMATION

Redacting Certain Public Employees' Addresses

Prior law prohibited any state or municipal public agency from disclosing, under the Freedom of Information Act (FOIA), the residential addresses of certain public officials and employees (e.g., federal and state judges and Department of Correction employees). A new law narrows this prohibition. Specifically, it (1) limits to a covered individual's employing agency, instead of all public agencies, the requirement to keep his or her residential address confidential in certain documents and (2) permits the following records to be disclosed without address redactions: municipal land records; municipal grand lists; and lists required by state laws governing elections (e.g., preliminary and

final voter registry lists, petition forms, logs of absentee ballot applications).

The act allows a covered individual to request address confidentiality from public agencies other than his or her employer and establishes procedures for these agencies to follow when receiving a FOIA request for certain records containing that individual's residential address.

The act prohibits public agencies, public officials, or employees of public agencies from being penalized for violating the disclosure prohibition unless the Freedom of Information Commission finds a willful and knowing violation. And it requires the Government Administration and Elections Committee to establish an advisory committee to study possible alternatives to disclosing certain public records without redaction.

(**PA 12-3**, effective upon passage, except for the provisions (1) limiting the disclosure prohibition to the employing agency, (2) authorizing nondisclosure requests to non-employing agencies, and (3) establishing procedures for non-employing agencies to follow, which are effective June 1, 2012.)

MISCELLANEOUS

Notice Concerning Reconstituted School Boards

By law, the State Board of Education may authorize the education commissioner to reconstitute a local board of education in a low-achieving district. New legislation makes several changes to this process. The changes involve notifying town clerks of the start and conclusion of reconstitutions.

The act requires the process for electing the board to be suspended for the period of reconstitution. Upon terminating a local or regional board under the existing law, the act requires the commissioner to notify the (1) town clerk in the school district, or clerk of each member town in the case of a regional board of education and (2) secretary of the state. The termination notice must include the termination date and the positions terminated.

When a reconstituted board is reaching its conclusion, the act requires the commissioner to notify the town clerk or clerks, as appropriate, and the secretary at least 175 days before the reconstituted board's term ends. When the secretary receives the notice, the electoral process begins according to municipal election law. If the notice is delivered before the time specified in law for party nominations for municipal offices, the office can be placed, with the approval of the local legislative body, on the ballot of a regular fall election.

(SB 458, § 18, effective upon passage)

RECORDS ADMINISTRATION

Death Certificate Filing Deadline

Prior law required that death certificates be completed in their entirety and filed with the registrar of vital statistics in the town where the death occurred within (1) five days after death if filing a paper certificate or (2) three days after death if filing through an electronic death registry system, to obtain a burial permit. A new law specifies that the deadline for filing paper certificates is five business days, not five calendar days. Electronic filings must still be completed within three calendar days.

(PA 12-36, effective October 1, 2012)

Delayed Birth Certificates

A new law changes the process for requesting a delayed birth certificate, which is a birth certificate that is registered a year or more after a birth. Among other things, it requires requests for delayed birth certificates to be filed with the Department of Public Health (DPH), rather than the town clerk. It also requires DPH, rather than the town clerk, to prepare delayed birth certificates after such requests, including those prepared after a court order.

(sHB 5241, effective October 1, 2012)

Fetal Death Certificates, Marriage Licenses, and Records Amendments

A new law makes several changes affecting vital records. Specifically, it eliminates the requirement that fetal death certificates conform to the same standards and requirements as birth certificates regarding the mother's marital status and acknowledgement of paternity. Prior law required that (1) information about the mother's marital status be recorded on a confidential portion of the birth certificate, (2) acknowledgement of paternity be filed in DPH's paternity registry, and (3) the father's name be entered on the birth certificate or birth record when the mother is not married (§ 1).

The act provides that if a marriage license is signed and sworn to by the applicants on

New legislation requires anyone filing a mortgage or lien release, partial release, or assignment with a town clerk to file a separate document for each property, unless the instrument being released, partially released, or assigned encumbers more than one property.

(sHB 5539, effective October 1, 2012)

different dates, the application date is deemed to be the later date, rather than the earlier one (by law, marriage licenses expire after 65 days) (§ 2).

Finally, the act restricts the types of amendments that can be made to vital records concerning changes that occur after the records are prepared. It continues to allow (1) amendments to reflect legal name changes or changes to the cause of death and (2) replacement birth certificates for changes to parentage or gender. But it does not allow other types of amendments for changes that occur after the records are prepared (e.g., address changes) (§ 53).

(sHB 5514, effective October 1, 2012)

Mortgage Assignments and Releases

Out-Of-State Conservators Filing Documents on Land Records

A new law establishes rules and procedures for probate courts to interact with other states' courts about a conservator of the person, someone appointed to make decisions for an adult, and a conservator of the estate, someone appointed to manage an adult's property. Among the act's provisions, it allows a conservator appointed in another state to register the conservatorship order in a

Connecticut probate court by filing certified copies of the order and letters of office. Registration allows the conservator to exercise in Connecticut all powers authorized in the order of appointment, except as prohibited by Connecticut law. The act allows a conservator of

the estate to submit certified copies of the documents for recording on the land records in a town where a conserved person has real property.

(PA 12-22, §§19-21, effective October 1, 2012)

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