



# Acts Affecting Town Clerks and Elections

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## Notice to Readers

This report provides highlights of new laws affecting town clerks and elections enacted during the 2018 regular legislative session. The report does not include vetoed acts unless the veto was overridden.

Not all provisions of the acts are included here. Complete summaries of all 2018 public acts are available on OLR's webpage as they are completed: <https://www.cga.ct.gov/olr/olrsums.asp>.

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

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## **Elections**

### ***Absentee Ballot Counting***

A new law requires that, within existing resources, absentee ballots cast at any election, primary, or referendum be counted at a central location in each municipality unless the registrars of voters agree to count them at the respective polling places. Previously, absentee ballots had to be counted at the polling places unless the registrars agreed to count them centrally ([PA 18-124](#), effective upon passage).

### ***Candidates for Deputy Registrar of Voters***

A new law allows a deputy registrar of voters who is a candidate for the office of registrar of voters to perform his or her official duties on election day. Previously, a known candidate for any office was prohibited from serving (1) as an election official on election day or (2) at the polls in any capacity, except that a municipal clerk or a registrar of voters, who is a candidate for the same office, could perform his or her official duties ([PA 18-120](#), effective upon passage).

### ***National Popular Vote***

A new law adopts the interstate compact entitled “The Agreement Among the States to Elect the President by National Popular Vote,” under which Connecticut commits its presidential electors to the national popular vote winner in a presidential election. Any state or Washington, D.C. may join the compact, which takes effect when enough jurisdictions have done so to cumulatively possess a majority of Electoral College votes (270). The compact includes a severability clause so that if a court finds any provision invalid, the remaining provisions are not affected. If the Electoral College is abolished, the compact terminates. To date, Washington, D.C and 11 states, including Connecticut, have adopted the compact. Together they hold 172 electoral votes ([PA 18-9](#), effective upon passage).

## **Freedom of Information Requests**

### ***Death Certificates***

A new law allows any adult to access the data listed on a death certificate, but as under prior law, restricts access to a decedent’s social security number to only certain parties (such as town clerks). The act also removes a restriction that made certain other information on death certificates, such as the decedent's occupation and race, available only to certain parties ([PA 18-168](#), § 6, effective October 1, 2018).

## ***Notifying Employees of Freedom of Information Act (FOIA) Requests***

A new law expands public agencies', including municipal agencies', duty under FOIA to notify employees of requests for access to their personnel, medical, or similar files. Specifically, if a public agency receives a request for these records, and it reasonably believes that disclosure would not constitute an invasion of privacy, it must (1) first disclose the records and (2) within a reasonable period of time after disclosure, make a reasonable attempt to send to each employee involved and any collective bargaining representative, a written or electronic copy of the request, if applicable, or a brief description of the request ([PA 18-93](#), effective October 1, 2018).

## ***Vexatious Requesters***

A new law establishes a procedure under which public agencies may petition the Freedom of Information Commission (FOIC), under penalty of false statement, for relief from "vexatious requesters." Relief may include an order that the agency need not comply with future requests from the requester for a period of up to one year. It also adds to the factors (e.g., repetitious or cumulative requests or appeals) that FOIC must consider when determining whether to hear certain appeals of agency decisions brought under FOIA ([PA 18-95](#), effective October 1, 2018).

## **Land Records and Real Property**

### ***Digital Parcel Data***

By May 1, 2019, a new law requires each municipality that possesses or contracts for services to create or maintain a digital parcel file (e.g., property boundaries) to annually transmit the file to its regional council of government (COG) or, for towns that are not COG members, to the Office of Policy and Management (OPM) Secretary. It requires these digital parcel files to include at a minimum any information 1) from the assessor database that identifies a property's unique identifier in the file; size; address; value of the land, buildings, and other improvements; and year constructed and 2) deemed necessary by the COG. The act also requires each COG, by July 1, 2019, to annually provide a list of non-compliant and exempt municipalities to OPM and the Planning and Development Committee ([PA 18-175](#), § 6, effective upon passage).

### ***Lienholder Payoff Statement***

A new law creates a process by which a judgment lienholder may provide a payoff statement to a debtor, the debtor's attorney, or current owner of the property subject to the lien upon request. Among other things, the new law (1) requires a judgment lienholder or the lienholder's attorney to provide a written payoff statement within a specified time period after receiving a written request for it and (2) allows the request to be sent to the lienholder using the name and address on the

property records ([PA 18-70](#), effective October 1, 2018). By law, a judgment lien secures the unpaid amount of any money judgment and may be placed on any real property of the debtor by recording it on the land records in the town where the property lies ([CGS § 52-380a](#)).

### ***Service of Process in Eminent Domain-Related Proceedings***

A new law allows the Department of Transportation commissioner to serve process to the designated agent of a person who has an interest of record in land involved in an eminent domain-related proceeding. By law, among other things, the commissioner must (1) give notice of the assessed damages to each person who has an interest of record in the land and (2) sign and file a certificate with the town clerk to record the taking of the property ([PA 18-62](#), effective October 1, 2018).

## **Permit and Filing Fees**

### ***Fee Increases***

A new law increases the fees town clerks must collect for various permits and filings. Among others, it increases the fees for liquor permit filings (from \$2 to \$20), filing a document (from \$5 to \$10), survey or map filing and indexing (from \$10 to \$20), and marriage licenses (from \$30 to \$50) ([PA 18-136](#), §§ 3-6, effective July 1, 2018).

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