



Acts Affecting Town Clerks and Elections

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Notice to Readers

This report provides summaries of new laws (public acts and special acts) and two resolutions proposing to amend the state constitution enacted during the 2021 regular session and June 2021 special session (JSS). OLR's other Acts Affecting reports, including Acts Affecting Municipalities and Acts Affecting Business and Jobs, are, or will soon be, available on OLR's website:

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Each summary indicates the public act (PA), special act (SA), or resolution act (RA) number. Not all provisions of the acts are included. The report does not include vetoed acts unless the veto was overridden. Complete summaries of public acts are, or will soon be, available on OLR's website:

<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 General Assembly's website: <http://www.cga.ct.gov>.

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Constitutional Amendments

Constitutional Amendment to Allow for Early Voting

The legislature adopted a resolution proposing a constitutional amendment authorizing the General Assembly to provide in-person, early voting by law before an election or referendum. (In 2019, an identical resolution passed by a majority in each house of the General Assembly but by less than three-fourths; therefore, it was referred to the 2021 session for a second vote.)

If a majority of those voting on the amendment in the November 8, 2022, general election approves it, it will become part of the state constitution ([RA 21-1](#)).

Constitutional Amendment to Allow for No-Excuse Absentee Voting

This year the General Assembly took a step toward allowing no-excuse absentee voting in Connecticut. It passed a resolution proposing to amend the state constitution by removing its current restrictions on absentee voting. The restrictions allow the legislature to pass a law allowing electors to cast their vote by absentee ballot only if they are unable to appear at their polling place because of absence from the town where they reside, sickness or physical disability, or prohibition against secular activity on election day under the tenets of their religion (Article VI, § 7).

The resolution passed by a majority of each house of the General Assembly but less than three-fourths; therefore, it will be referred to the 2023 session of the legislature for another vote. If it passes in that session by a majority of each house, it will appear on the 2024 general election ballot. If a majority of those voting on the amendment in the election approves it, it will become part of the state constitution ([RA 21-2](#)).

Elections

Absentee Ballot Return by Siblings and Designees

A new law expands who is eligible to return absentee ballots on behalf of a voter as an immediate family member or designee. It authorizes the siblings of absentee voters to return absentee ballots on their behalf, in person to the town clerk, by expanding the definition of “immediate family member” for this purpose. The act also expands who is eligible to be a “designee” for purposes of mailing or returning in person to the town clerk an absentee ballot on behalf of a person with an illness or physical disability. The expanded designation includes a police officer, registrar of voters, or deputy or assistant registrar under any circumstance, not just when another designee is unavailable or does not consent ([PA 21-2](#), June Special Session (JSS), § 102, effective upon passage).

Absentee Ballot Signature Verification Pilot Program

Under a new law, the secretary of the state must establish a pilot program to manually or electronically verify signatures on returned absentee ballots' inner envelopes for the 2022 state election. She must randomly select five municipalities to participate in the program, based on their population according to the most recent version of the state register and manual. By January 1, 2023, the secretary must submit a report on the program's findings and recommendations for legislation to the Government Administration and Elections (GAE) Committee ([PA 21-2](#), JSS, § 144, effective upon passage).

Assistance in Voting Booths at EDR Locations

This year, the General Assembly specified that electors may receive voting assistance in voting booths at designated Election Day Registration (EDR) locations. By law, electors may receive voting assistance from anyone other than their employer, employer's agent, union representative or, with one exception, candidates whose names appear on the ballot. (A candidate may assist if the elector making the request is an immediate family member.) Currently, a person assisting an elector may accompany that person into the voting booth. The act specifies that this authorization applies at both polling places and designated EDR locations ([PA 21-2](#), JSS, § 110, upon passage).

Challenge Deadline

The legislature moved up the deadline by which a challenger must file a candidacy for nomination against the party-endorsed candidate in a special election for (1) judge of probate in a multi-town district or (2) a member of Congress. Under prior law, a person who sought a primary against an endorsed candidate for these offices had to file a candidacy for nomination with the secretary of the state within 14 days after the party's endorsement. The new law moves up this filing deadline to the day after the endorsement and makes conforming changes ([PA 21-2](#), JSS, §§ 105 & 106, effective upon passage).

Counting of Prison Populations for Redistricting

As the legislature begins the decennial redistricting process, a new law creates a process to adjust U.S. census population data and count most prison inmates at their address before incarceration, instead of at their prison address. The act generally requires that this adjusted data serve as the basis for determining state legislative districts and municipal voting districts. However, it excludes inmates serving a life sentence without the possibility of release from the adjusted data ([PA 21-13](#), effective upon passage).

COVID-19 Absentee Voting Provisions

A new law extends, to November 2, 2021, certain changes affecting absentee voting eligibility and procedures implemented for the 2020 state election as a result of COVID-19. These changes include, for a state or municipal election, primary, or referendum occurring on or before this date, (1) expanding the reasons for which electors may vote by absentee ballot to include the COVID-19 sickness; (2) allowing municipalities to conduct certain absentee ballot pre-counting procedures; and (3) extending, generally by 48 hours, numerous deadlines and timeframes associated with processing absentee ballots and canvassing and reporting the returns ([PA 21-2](#), JSS, §§ 127-143, effective upon passage).

Distributing Voter Registration Information at High Schools

By law, registrars of voters must hold a voter registration session between January 1 and the last day of school in each public high school in the municipality. In regional school districts, registrars of each member municipality hold the sessions on a rotating basis. A new law requires registrars of voters to annually distribute information on the fourth Tuesday in September at each public high school about the qualifications and procedures for registering to vote. Under the act, registrars and the principal of any public high school must determine the best distribution method. (Presumably, in regional school districts, registrars would distribute information on a rotating basis.) ([PA 21-2](#), JSS, § 93, effective upon passage).

Drop Boxes for Returning Absentee Ballots

A new law makes permanent the use of drop boxes for returning absentee ballots. (Drop boxes were first implemented for the 2020 state election as a result of COVID-19.) By law, voters may return completed absentee ballots via mail (e.g., the U.S. Postal Service) or in person at the town clerk's office. Under the act, for a state or municipal election, primary, or referendum, they may also deposit them in secure drop boxes designated for that purpose by their town clerk, in accordance with instructions prescribed by the secretary of the state. The act eliminates the 2020 state election requirement under which a police officer had to escort the town clerk to any drop box located outside of a building other than the clerk's office building ([PA 21-2](#), JSS § 102, effective upon passage).

Election Monitor

For the 2021 municipal election and the 2022 state election, the legislature passed a law requiring the secretary of the state to contract with an individual to serve as an election monitor in any municipality with a population of at least 140,000, according to the most recent State Register and Manual (i.e., Bridgeport). The election monitor's purpose is to detect and prevent irregularity and

impropriety within the municipality managing election administration procedures and conducting the election ([PA 21-2](#), JSS, § 85, effective upon passage).

Election Notices

A new law requires town clerks to post notices of state and municipal elections on their municipal website, in addition to placing them in a town or general circulation newspaper as required under existing law. Just as the law requires for newspaper notices, the online notices must appear not more than 15 days, nor less than 5 days, before an election. (For certain elections that occur before November 3, 2021, the act delays the period during which clerks must provide the notices.) It also requires that the notices include the time and location for each EDR location, as well as each polling place as under existing law ([PA 21-2](#), JSS, §§ 99-100, effective upon passage).

Electronic System for Transmitting Voter Registration Applications

A new law requires the Department of Motor Vehicles (DMV), voter registration agencies, and public higher education institutions to use a secretary of the state-approved and National Voter Registration Act compliant electronic system to automatically transmit voter registration applications for qualified applicants to registrars of voters unless an applicant declines to apply for admission. (In practice, DMV must already do this under a memorandum of understanding between the agencies.)

By law, the DMV commissioner must include a voter registration application as part of each motor vehicle driver's license application or renewal or each identity card application. Similarly, voter registration agencies must include a voter registration application with each service or assistance application, recertification, renewal, or change of address. Public higher education institutions must distribute mail voter registration application forms ([PA 21-2](#), JSS, §§ 87-91, effective upon passage, but changes affecting voter registration agencies and public higher education institutions are effective January 1, 2022).

E-Signature System for Elections Forms

A new law requires the secretary of the state to develop and implement an e-signature system for most elections-related forms and applications. It gives the secretary the discretion to determine the forms or applications included in the system. Under the act, any form or application with an electronic signature appearing on it is deemed to have the original signature. The act requires a state agency to provide any information to the secretary, upon her request, that she deems necessary to maintain the system or systems. However, it prohibits the secretary from using the information obtained from any state agency except for purposes of the elections-related e-signature system ([PA 21-2](#), JSS, § 92, effective upon passage).

Minor Party Rules

This year the legislature increased the time period that minor party rules must be on file with the secretary of the state before the party's candidates may appear on the ballot. Previously, a copy of the party rules had to be on file for at least 60 days before the nomination for a nominated candidate's name to appear on the official ballot. The new law extends this time period to at least 180 days before the nomination ([PA 21-2](#), JSS, § 124, effective upon passage).

Municipal Election Date

Starting January 1, 2022, a new law requires each municipality to hold its biennial municipal election on the Tuesday after the first Monday in November of odd-numbered years unless its legislative body votes by a three-fourths majority to hold the election on the first Monday in May of odd-numbered years. A municipality that opts for a May election date using this procedure may subsequently move its election date to November through a majority vote of its legislative body.

The new law eliminates provisions in prior law that (1) allow municipalities to change the date of their biennial municipal election by vote of their legislative body approved at a referendum or by charter and (2) prohibit municipalities from changing an upcoming election's date within six months before its occurrence ([PA 21-2](#), JSS, §§ 116-121 & 495, effective January 1, 2022).

Permanent Absentee Ballot Status

This year the legislature extended eligibility for permanent absentee ballot status to electors suffering from a long-term illness, in addition to those with a permanent physical disability as under existing law.

Existing law requires registrars of voters to send an annual address confirmation notice to determine if those with the status still reside at the address on their permanent absentee ballot application. Under prior law, registrars were required to remove electors from permanent status if (1) the annual address confirmation notice is returned as undeliverable or (2) the elector fails to return it to the registrars within 30 days after it is sent. The act instead gives electors up to 60 days to return the notice ([PA 21-2](#), § 103, effective upon passage).

Polling Place Challengers

This year the legislature conformed the law with current practice by eliminating provisions authorizing registrars of voters to appoint challengers as polling place officials. Existing law, unchanged by the act, authorizes any elector to act as a challenger ([PA 21-2](#), JSS, §§ 111-114, effective upon passage).

Post-Election Audits

Existing law requires registrars of voters to audit at least 5% of the state's voting districts after a federal, state, or municipal regular election or primary. The secretary of the state selects the voting districts to be audited in a random drawing that is open to the public. A new law subjects centrally counted absentee ballots to post-election audits by designating central-count locations as voting districts for this purpose. Previously, centrally counted absentee ballots were excluded from post-election audits because they were not counted in a voting district ([PA 21-2](#), JSS, § 107, effective upon passage).

Recreational Cannabis Sales Local Referendum

A new law requires municipalities, upon petition of 10% of their electors at least 60 days before a regular election, to hold a local referendum on whether to allow (1) the recreational sale of marijuana in the municipality or (2) the sale of marijuana in one or more of the cannabis establishment license types. The act also allows the vote to occur at a special election, following existing procedures, if at least one year has passed since the previous vote.

These referenda do not affect any class of cannabis establishments already allowed in a municipality ([PA 21-1](#), JSS, § 83, effective July 1, 2021).

Supervised Absentee Voting

Under supervised absentee voting, registrars of voters or their designees supervise absentee voting at certain "institutions" (e.g., nursing homes and other residential care and mental health facilities). Sessions are generally conducted upon request for institutions with fewer than 20 residents but are required for institutions in which at least 20 or more residents are registered voters. During these voting sessions, registrars or their designees deliver absentee ballots to the institution and jointly supervise voters while they fill out the ballots. Voters have the right to complete their ballots in secret, but registrars observe the process and are available to assist upon request.

A new law authorizes the secretary of the state to suspend supervised absentee voting that happens upon request or mandatory supervised absentee voting, if she does so in recognition of a public health or civil preparedness emergency declared by the governor. It requires the secretary to submit a report to the GAE Committee advising of the suspension and specifying alternative actions that will be taken to provide absentee voting opportunities for the affected electors.

The act also eliminates registrars' current discretionary authority to conduct supervised absentee voting sessions in locations where the town clerk receives at least 20 absentee ballot applications from the same street address in town, such as an apartment building. (The secretary may also waive requirements for mandatory supervised absentee voting for a state or municipal election,

primary, or referendum occurring before November 3, 2021.) ([PA 21-2](#), JSS, § 108, effective upon passage).

Study on Agency Distribution of Mail Voter Registration Applications

A new law requires the secretary of the state to study the technological and staffing capabilities of various state agencies in providing an electronic system that distributes voter registration applications by mail. In conducting the study, the secretary must consult with department heads, including at least the commissioners of consumer protection, emergency services and public protection, energy and environmental protection, and veterans' affairs. The act requires the secretary, by February 1, 2023, to submit a report to the GAE Committee that includes the study's findings and legislative recommendations for authorizing a state agency to provide such an electronic system ([PA 21-2](#), JSS, § 115, effective upon passage).

Task Force on Absentee Ballot Envelopes

The General Assembly established a 12-member task force to study the feasibility of implementing procedures under which absentee ballot applicants return absentee ballots using one envelope instead of two. The study must examine and identify each section of the general statutes that requires amending to implement these procedures ([PA 21-2](#), JSS, § 122, effective upon passage).

Time Off to Vote

Through June 30, 2024, a new law requires employers to give an employee two hours of unpaid time off from his or her regularly scheduled work on the day of a regular state election to vote, if the employee requests it in advance. In the case of a special election for a U.S. Senator, U.S. Representative, state senator, or state representative, the requirement applies only to employees who are already electors. In both cases, the time off must occur during regular voting hours (i.e., from 6:00 a.m. to 8:00 p.m.), and the employee must make the request at least two working days before the election.

By law, Connecticut conducts election day registration (EDR) during regular, but not special, elections. Under EDR, a person may register to vote and cast a ballot on election day if he or she meets the eligibility requirements for voting in Connecticut and is (1) not already an elector or (2) registered in one municipality but wants to change his or her registration because he or she currently resides in another municipality. Under the act, it appears that employees who are not yet electors may take time off to register to vote through EDR for a regular state election, if qualified, and then vote ([PA 21-2](#), JSS, § 94, effective upon passage).

Town Committee Primaries

A new law establishes circumstances under which town committee members who are chosen in a direct primary in certain municipalities are deemed elected without a primary. Under this law, in municipalities with a population of 100,000 or more, no direct primary is held if, by 4:00 p.m. on the 49th day before the primary (i.e., 15 days before the deadline for filing candidacy petitions), the number of people who have requested petition forms and filed a statement consenting to be a candidate (1) does not exceed the number of town committee members being elected but (2) is at least 25% of that number.

The new law exempts these candidates from the law's primary petition deadline and signature requirements and deems them elected to the town committee without a direct primary. ([PA 21-2](#), JSS, § 126, effective upon passage).

Use of Public Campaign Funds for Child Care

A new law requires the State Elections Enforcement Commission (SEEC) to amend the Citizens' Election Program (CEP) regulations to permit expenditures for child care services. It authorizes qualified candidate committees (i.e., those of participating CEP candidates that SEEC has approved for a Citizens' Election Fund (CEF) grant) to make expenditures for these services using CEF grants, subject to certain limits and conditions, after SEEC amends the regulations. Currently, participating CEP candidates who have qualified for a grant may use CEF grants for these expenditures under a 2020 Superior Court decision ([PA 21-49](#), §§ 1-4, effective July 1, 2021).

Voters with Disabilities

This year, the General Assembly took steps to make it easier for voters with disabilities to vote. The budget implementer act eliminates the prohibition on mentally incompetent people being admitted as electors. In addition, the act requires the secretary of the state to electronically provide an absentee ballot to an elector who is unable to appear at his or her polling place because of a visual impairment. The absentee ballot must be in a format capable of being read by a computer-related device and printed. The act also requires that the ballot, if signed by the elector, be counted if it otherwise satisfies all the requirements for returned absentee ballots (e.g., returned no later than at the close of the polls) ([PA 21-2](#), JSS, §§ 95 & 109, effective upon passage).

A second new law updates the format of a required informational resource about the voter application process for voters with hearing or sight impairment. Specifically, the act requires the Department of Aging and Disability Services to produce an accessible version (e.g., an online video) of the oath statement on voter application forms, in consultation with the secretary of the state. In

turn, the secretary must make it available to registrars of voters ([PA 21-151](#), § 4, effective July 1, 2021).

Voting Rights for Individuals Convicted of a Felony

A new law eliminates the forfeiture of convicted felons' electoral privileges (i.e., voting rights) if they are committed to confinement in an in-state or out-of-state community residence. The act also restores these privileges to convicted felons who are on parole or special parole or who are confined in a community residence ([PA 21-2](#), JSS, §§ 96-98, effective July 1, 2021).

Working Group on Risk-Limiting Audits

The legislature established a 12-member working group to (1) consider risk-limiting audits for determining election results' accuracy and (2) oversee a related pilot program, within available appropriations, in five to 10 municipalities on one or more risk-limiting audit methods for the 2021 municipal elections ([PA 21-2](#), JSS, § 123, effective upon passage).

Freedom of Information

Electronic Meeting Notices to Interested Parties

The Freedom of Information Act (FOIA) requires public agencies, where practicable, to give notice of each regular and special meeting at least seven days in advance to a person who makes a written request for this notice. A new law gives public agencies the option of providing this notice by electronic transmission, rather than by mail as prior law required.

FOIA also allows a person who does not receive proper notice of a meeting to appeal to the Freedom of Information Commission (FOIC). Existing law presumes that a political subdivision agency (e.g., a municipal agency) has given proper notice if it timely sends the notice by first-class mail to the address provided by the requestor. A new law also presumes proper notice if it is timely sent by electronic transmission to the requestor's information processing system (e.g., email account) ([PA 21-2](#), JSS, §§ 148 & 150, effective July 1, 2021).

Electronic Transactions by Municipal Programs and Entities

A new law makes numerous changes allowing municipal entities or programs to conduct business or otherwise operate using electronic means. Generally, the changes allow specified (1) notices and applications to be sent electronically and (2) hearings or meetings to be held using electronic equipment ([PA 21-2](#), JSS, §§ 157-175, most provisions effective October 1, 2021).

Orderly Conduct at Meetings

Under existing law, a town meeting moderator may order a proper officer to take a disorderly person into custody and remove him or her from the meeting if necessary. Additionally, FOIA allows a public agency's members, when order cannot be restored by removing disorderly individuals, to order the room cleared before continuing with the meeting.

A new law expands this authority to include disorderly individuals attending a meeting by electronic equipment. It allows town meeting moderators and public agency members to terminate these individuals' attendance by electronic equipment until they conform to order or, if necessary, until the meeting is over ([PA 21-2](#), JSS, §§ 152 & 153, effective upon passage for town meetings and July 1, 2021, for public agencies under FOIA).

Remote Meetings

A new law explicitly allows public agencies, until April 30, 2022, to hold meetings under FOIA that are accessible to the public through electronic equipment or through electronic equipment in conjunction with an in-person meeting. (FOIA's existing definition of "meeting" includes those held by electronic equipment, but it does not explicitly authorize, or establish procedures for, telephone or other remotely held meetings.)

The new law establishes several requirements for meetings held using electronic equipment, including that agencies provide at least 48 hours' notice of the meeting and that members of the public have the same participation opportunities as they would for an in-person meeting ([PA 21-2](#), JSS, § 149, effective July 1, 2021).

Land Records and Real Property

Unlawful Restrictive Covenants

A new law voids "unlawful restrictive covenants," which are covenants or provisions in instruments affecting the title to real property that intend to restrict ownership or occupancy based on race. Under the law, the Office of Policy and Management must develop a standardized form to report unlawful restrictive covenants to town clerks. Town clerks, after receiving a form or an affidavit notifying them of an unlawful restrictive covenant, must record it and, to the extent practicable, notate the land records ([PA 21-173](#), generally effective July 1, 2021).

Permit and Filing Fees

Certified Homeless Youth and Young Adults

A new law permits fees to be waived when issuing a certified homeless youth (ages 15 to 17 years old) or certified homeless young adult (ages 18 to 25 years old) certified copies of birth certificates or state identity cards. Under the act, these individuals have been certified as homeless by (1) a school district's homeless liaison, (2) the director of a federally-funded emergency shelter program, (3) the director of a federally-funded runaway or homeless youth basic center or transitional living program, or (4) the director of a nonprofit or municipal program that is contracted with a homeless youth program ([PA 21-121](#), §§ 70-72, effective July 1, 2021).

Ice Cream Truck Safety

This session, the legislature passed a law to enhance children's safety when buying from ice cream trucks. Under the law, towns that require ice cream trucks to get vendor or peddlers permits must include on their permit applications and websites a link to the Department of Motor Vehicles website that lists the new ice cream truck safety requirements. The new safety law (1) requires ice cream trucks to install, by May 1, 2022, and use certain safety equipment and to have and use signal arms, flashing lights, and other safety equipment and (2) establishes operating rules for trucks, generally limiting selling locations and conditions ([PA 21-20](#), most provisions effective July 1, 2021).

Paying Fees Electronically

A new law allows town clerks to designate a website for paying recording fees (e.g., for recording documents on the land records) and accept payments for these fees through the website in a manner they prescribe. It allows registrars of vital statistics to similarly designate a website for paying vital records fees (e.g., birth certificates). Typically, the town clerk serves as the registrar of vital statistics ([PA 21-2](#), JSS, §§ 155 & 156, effective October 1, 2021).

Registrars of Vital Statistics

Adoptee Access to Original Birth Certificate

A new law expands access to birth certificates for adopted persons age 18 and older and their adult children or adult grandchildren. It allows them to obtain an uncertified copy of the adoptee's original birth certificate upon request, regardless of when the adoption occurred.

Prior law provided this access only for adoptions finalized on or after October 1, 1983. For adoptions before then, prior law allowed access to the original certificate by these individuals only

through a court order, and if the birth parents were alive, the court generally could issue the order only with their consent.

Among other things, the new law also transfers, from the Department of Public Health (DPH) to municipalities (specifically, registrars of vital statistics), the responsibility to issue the original birth certificates upon an eligible individual's request ([PA 21-21](#), effective July 1, 2021).

Voter Registration Information Disclosure

A new law limits disclosure of a voter's date of birth maintained under state election law to year and month of birth unless the information is requested and used for a governmental purpose, as determined by the secretary of the state. It also makes a voter's name and address confidential and prohibits their disclosure from the voter registry list if the voter submits a statement signed under penalty of false statement to the secretary of the state indicating that nondisclosure is necessary for the safety of the voter or his or her family ([PA 21-2](#), JSS, § 104, effective upon passage).

Town Clerks

Investigations to Remove Town Clerks

A new law transfers from the state's attorneys to the attorney general the responsibility for investigating a town clerk for removal. As under prior law for state's attorneys, the new law requires the attorney general to, among other things, investigate charges of misconduct, willful and material neglect of duty, or incompetent conduct ([PA 21-102](#), § 4, effective October 1, 2021).

JP:kc