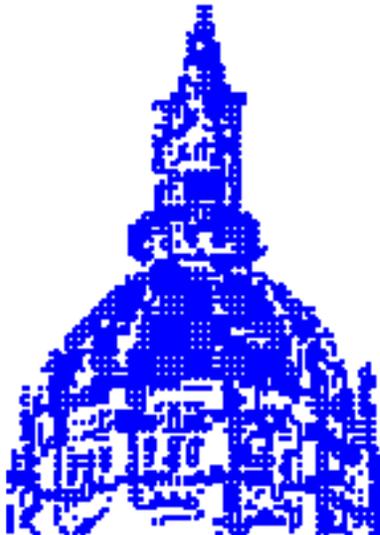


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

TOWN CLERKS



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NOTICE TO READERS

This report provides brief highlights of public acts affecting town clerks enacted during the 2003 regular and special sessions.

Not all provisions of the acts are included; 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>). Complete summaries of all public acts passed during the January 6, 2003 Special Session and the 2003 regular session are available in OLR's *Public Act Summary* book and on OLR's website (<http://www.cga.state.ct.us/olr/publicactsummaries.asp>)

All acts summarized in this report took effect on October 1, 2003, unless otherwise noted.

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OFFICE OF TOWN CLERK AND MUNICIPAL EMPLOYEES

Service of Process

For civil actions against a town, city, or borough board, commission, department, or agency, a new law allows service of process on:

1. the town, city, or borough clerk (the act requires service of two copies served, with the clerk keeping one and forwarding one to the board, commission, department, or agency) or
2. the clerk, chief presiding officer, or other executive head of the board, commission, department, or agency (PA 03-278, § 126 eliminates this option).

For civil actions against a town, city, or borough employee based on the employee's duties or employment, the act allows service of process on:

1. the town, city, or borough clerk (the act requires service of two copies, with the clerk keeping one and forwarding one to the employee) or

2. the employee (PA 03-278, § 126 eliminates this option).
PA 03-224

Immunity for Municipal Officials

A new law immunizes state and local officials and others against liability for damages from their actions or inactions during a public health emergency and requires the state to defend them and indemnify them for their expenses.

EFFECTIVE DATE: July 9, 2003.
PA 03-236

GOVERNMENT ADMINISTRATION

Dog Licenses

A new law increases, from \$9 to \$12, the annual fee that an owner or keeper must pay for licensing each of his unneutered male or unspayed female dogs age six months or older. **PA 03-103**

Marriage Licenses

A new law allows couples to be married in any town in the state if they get a marriage license from the town clerk where (1) either partner lives or (2) the

ceremony is to be performed. Under prior law, they could only get the license from the town clerk where the ceremony was to be performed. **PA 03-188**

Registering Deaths

In a public health emergency, a new law allows the commissioner, in consultation with the chief medical examiner, to designate people to register death certificates as needed and perform other related duties, including issuing burial transit, removal, and cremation permits. These are functions normally performed by local registrars of vital statistics.

EFFECTIVE DATE: July 9, 2003.
PA 03-236

Marriage Validation

A new law validates all marriages performed between June 3, 2002 and July 9, 2003 that would have been valid except that they were (1) not performed in the town that issued the marriage license or (2) performed by a justice of the peace who represented himself as duly qualified but did not have a valid certificate of qualification, if the couple being married reasonably relied on the representation.

The law also validates all marriages performed between January 1, 2001 and July 9, 2003 that would have been valid

except that they were performed by a justice of the peace who represented himself as duly qualified but whose term of office had expired, if the couple being married reasonably relied on the representation.

EFFECTIVE DATE: July 9, 2003.
PA 03-238

RECORDS ADMINISTRATION

New Deed Form

A new law establishes a statutory form of a trustee's deed that trustees may use to convey real estate. If a trustee uses it, and it is properly executed, the deed conveys to a grantee the fee simple title, which the trustee has pursuant to authority the trust or the law gives him. The deed also contains covenants that the trustee (1) is qualified to act as trustee; (2) has full power and authority as trustee to bargain and sell the property as set forth in the deed; and (3) and his successors will guarantee and defend the conveyance against all claims and demands of any person claiming by, from, or under the trustee. **PA 03-75**

Filing Real Estate Conveyance Tax Returns

A new law eliminates the requirement for taxpayers to file a real estate conveyance tax return with the appropriate town clerk when the state, a political subdivision, or any agency of the

state or a political subdivision is a party to the conveyance and the only thing being conveyed is an easement. Such conveyances are already exempt from the tax.

EFFECTIVE DATE: June 18, 2003. **PA 03-107**

Land Record Recordings

Under existing law, owners of property within the West Rock Ridge conservation area or conservation area supplement must give the Department of Environmental Protection commissioner written notice before (1) changing the use of, developing, or transferring the property or (2) altering the terms of the change, development, or transfer.

A new law requires the initial notice to include a description of the property and a price at which the state can buy the property. It specifically requires him to send the alteration-of-terms notice if he intends to sell the property at a price less than the one in his original notice.

The new law eliminates a requirement that the alteration-of-terms notice be sent to the town clerk and recorded on the land records. **PA 03-131**

Storing Original Documents

A new law permits municipalities to store original documents off site if (1) their contents are electronically available on site on demand and (2) the town clerk can provide and certify a copy of the document. Under existing law, the state librarian must approve security storage facilities or establish and operate them for the safe storage of original public records. **PA 03-139**

Address Confidentiality

A new law establishes an address confidentiality program within the secretary of the state's office. The program provides a substitute mailing address (mailbox and fictitious street numbers) to certain crime victims who, for safety reasons, wish to keep their residential address secret. The program is available to victims of family violence, stalking, sexual assault, and injury or risk of injury to a minor. The law makes participants' residential, work, and school addresses exempt from disclosure under the Freedom of Information Act.

The law requires public agencies to accept participants' program address in lieu of their actual residential address, unless

the agency has received an exemption from the secretary of the state. The law specifies that program participation does not affect custody or visitation orders.

Agency Use of Designated Address

Program participants may present their certification cards and request that state and local agency records show the designated program address as their actual home, work, or school address. Agency officials may make a copy of the card for the file and must then immediately return the original to the participant.

When creating a new record, each of these agencies must accept the designated address unless the secretary grants the agency an exemption.

Agency Exemption from Program Address Requirement

Under the law, a public agency may ask the secretary, in writing, to exempt it from the requirement to substitute the program's address for participants' actual addresses. The request must:

1. identify the agency's legal authority for requesting the confidential address,

2. state that the address will be used only for these legal purposes,
3. specifically identify the program participant whose confidential address is requested,
4. identify the people who will have access to the address, and
5. explain how substituting the program address for the participant's confidential address would prevent the agency from meeting its legal obligation and why internal procedural changes would not solve the problem.

The law requires the secretary to determine if the agency has a legal requirement to use the confidential address. If she does not find one, she must issue a written denial of the request and include her reasons.

If she finds a legal requirement and is satisfied that the agency will use the address solely for this reason, she must notify the program participant of the exemption, including the agency's name and the reason, and then issue a written exemption. She may include in the exemption:

1. the agency's duty to keep the address confidential,
2. limitations on how the address may be used and who has access to it,
3. the length of the exemption,
4. a designated record format for maintaining the address,
5. how long the agency can maintain the record with the address, and
6. any other provision and qualification she deems appropriate.

An agency that receives an exemption can disclose the address only to the people listed in the request, unless otherwise directed by a court order. The secretary must at least partially base her decision to grant or deny the exemption on the agency's information. During her review and evaluation (and appeal, if applicable) of the exemption request, the agency must use the program participant's program address.

Certification Cancellation

The law permits the secretary to cancel participants' certification and invalidate their cards if:

1. they do not give her 30 days' written notice after a name or address change,
2. mail forwarded to them is returned as undeliverable,
3. they do not apply for renewal before the initial certificate expires, or
4. they provided false information in their program application.

The secretary must notify appropriate authorized agency personnel when she cancels a participant's certification. After receiving notice, the agency is not responsible for keeping the person's record or address confidential.

EFFECTIVE DATE: January 1, 2004. **PA 03-200**

ELECTIONS

Voting Machine Demonstration Project

A new law permits the secretary of the state to conduct a demonstration project using electronic voting machines in at least three towns during the 2003 and 2004 elections. But it prohibits her from approving, and bans the use of, punch-card voting machines at any election, primary, or referendum held in the state.

A town can participate in the pilot program if its registrars of voters and legislative body (or the board of selectmen in a town where the town meeting is the legislative body) approve the use of the electronic machines. The secretary must be able to acquire enough electronic voting machines and prescribe specifications for (1) their security, testing, set-up, operation, and canvassing; (2) the ballots; and (3) election officials' training. She must conduct the demonstrations in different towns in 2003 and 2004, and she must try to select towns for the project that are located in different regions of the state and represent a range in population.

The law authorizes the secretary to conduct an exit poll to solicit voters' reactions to the electronic machines and requires the State Elections Enforcement Commission to survey the volunteers and town officials who conduct the exit polls and report the results to the secretary.

EFFECTIVE DATE: April 29, 2003. **PA 03-07**

Publication of Proposed Charter and Home Rule Ordinance Amendments

A new law allows towns to publish in a newspaper only the amended part of a charter or home rule ordinance, rather than the complete charter, before the

vote on it at a referendum. If it does, a town must publish a notice that a complete copy is available in the town clerk's office or by mail on request. Prior law required a town to publish the entire charter or home rule ordinance being amended at least once in a newspaper with general circulation in the town. The act requires the same publication but only for that portion of the charter or ordinance being amended. The town clerk must mail or otherwise provide a copy of the complete charter, home rule ordinance, and amendment to anyone who asks for it. **PA 03-99**

Statewide Centralized Voter Registry System

A new law required registrars of voters to (1) send their voter registration information to the Office of the Secretary of the State by July 1, 2003, for inclusion in the secretary's statewide centralized voter registration system and (2) participate in the system by September 1, 2003.

The law allows towns to maintain a separate registry list that includes the information required to be in the statewide list if the registrars send voter information to the secretary and comply with the federal law requiring a computerized statewide voter registry list.

EFFECTIVE DATE: June 18, 2003. **PA 03-117**

Absentee Ballot Reform

A new law required the State Elections Enforcement Commission (SEEC) to establish a pilot program for absentee voting in three municipalities that agreed to participate for the 2003 municipal elections and primaries. The act established program specifications, including the creation of the position of absentee ballot coordinator (ABC). Registrars of voters were required to appoint volunteers or nominees but could not appoint municipal employees or party or campaign workers. The act limited the authority to distribute absentee ballot applications to the new ABCs and to town clerks and registrars of voters, who can already distribute them but, under the program, had to sign applications completed in the office.

Under the program, only clerks, registrars, ABCs, or designees of an applicant could help an applicant complete the form, and two ABCs had to be present to provide assistance jointly.

After the 2003 primaries and election, the law required the SEEC to survey the program's election officials and participants

and report its findings and recommendations to the Government Administration and Elections Committee by January 15, 2004.

EFFECTIVE DATE: July 9, 2003. **PA 03-227**

Direct Primaries

A new law delays the deadline by which the secretary of the state must notify town clerks if and when there will be a primary for a state or district office by allowing additional time after convention endorsements have been made for registrars to tabulate petition signatures and send petitions to the secretary.

EFFECTIVE DATE: January 1, 2004 and applies to primaries and elections held on or after that date. **PA 03-241**

Special Taxing Districts Elections

A new law allows special taxing districts operating under 1839 special acts to take certain actions without asking the legislature to amend those acts. At an annual or special meeting, the district's voters can, by majority vote:

1. increase the number of commissioners from three to five,

2. require candidates for district commissioner to notify the town or city clerk about their candidacy within 30 days before the annual meeting, and
3. allow machine voting from 6:00 a.m. to 8:00 p.m. at the meeting.

The law also requires town clerks to publish the candidates' names in a local newspaper within 15 days before the meeting. The newspaper notice must also describe any issue the district will place on the ballot for the meeting. **PA 03-256**

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