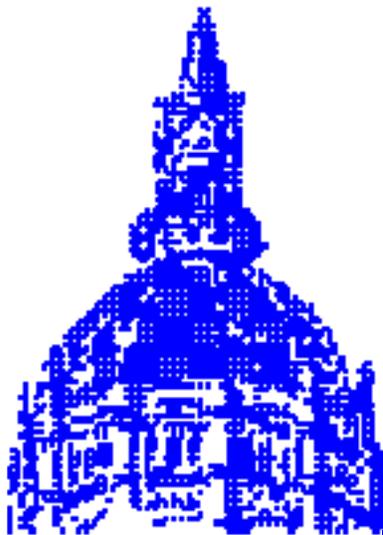


Office of Legislative Research  
Connecticut General Assembly



**OLR ACTS AFFECTING**

**Town Clerks**



By:  
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## **NOTICE TO READERS**

This report provides brief highlights of public acts passed during the 2005 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 in 2005 will be available in the fall when OLR's *Public Act Summary* book is published; some are now available on the OLR website (<http://www.cga.state.ct.us/olr/publicactsummaries.asp>)

All acts summarized here are effective October 1, 2005, unless otherwise noted.

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## **GOVERNMENT ADMINISTRATION**

### ***Civil Unions***

A new law authorizes same sex couples to enter into civil unions, granting them the same legal benefits, protections, and responsibilities as married couples. It incorporates civil unions by reference in most statutes that use or define terms indicating a spousal relationship. It establishes eligibility, application, and licensing criteria; specifies who can perform civil union ceremonies; and prescribes record-keeping requirements. The law (1) restricts civil unions to emancipated minors and couples over age 18 and (2) exempts people authorized to perform civil union ceremonies from liability for failing or refusing to do so. Otherwise, the law's substantive provisions and penalties are identical to current marriage statutes. **(PA 05-10)**.

### ***Cremation Permits***

Under existing law, medical examiners must file cremations certificates with, and obtain cremation permits from, registrars of vital statistics. A new act directs the Department of Public Health (DPH) to provide space on cremation permits for recording information about the intended manner of disposing of

cremated remains. **(PA 05-81, effective July 1, 2005)**.

### ***Birth Certificates***

A new law changes the procedure for amending a birth certificate in the case of a gestational agreement by specifying that the hospital must record the name of the birth mother on the birth record regardless of whether a court order has been issued. Under existing law, it is DPH's responsibility to follow up on the court order and subsequently make a replacement birth record to reflect the names of the intended parents. **(PA 05-272)**.

## **ELECTIONS**

### ***Voting Machines, Voter Guide, and Voter Registration***

A new elections law:

1. allows the secretary of the state to approve voting machines for use in Connecticut that, among other things, meet standards that the federal Election Assistance Commission adopts pursuant to the federal Help America Vote Act or those that the Federal Election Commission adopts, whichever are most current;
2. establishes minimum standards that direct

- recording electronic voting machines (DREs) used in elections or primaries occurring on or after July 1, 2005 must meet;
3. establishes procedures and extends existing procedures that apply to elections and primaries in which DREs are used;
  4. requires registrars of voters or their designees to manually audit at least two DREs per assembly district within five days after each election or primary;
  5. requires the secretary of the state to prepare and publish an online voter guide;
  6. requires the secretary of the state to provide voter registration services at certain naturalization ceremonies; and
  7. exempts from disclosure under the Freedom of Information Act information submitted as part of a mail-in voter registration application with the exception of the applicant's name, address, date of birth, and telephone number. **(PA 05-188**, effective upon passage, except for (1) voter registration at naturalization ceremonies, which is effective on July 1, 2005 and (2) preparation of the voter guide, which is effective on January 1, 2006.

### ***Absentee Voting, Voting Systems Standards, and Voter Registration***

A new law (1) imposes more restrictions, and establishes greater accountability, in the absentee voting process; (2) expands the State Elections Enforcement Commission's (SEEC) jurisdiction and powers and increases the penalties for registration and voting fraud; and (3) limits the right to appeal, and changes the process for appealing, decisions on right to vote made by admitting officials.

It establishes a Voting Technology Standards Board to develop standards for electronic voting systems used in this state. It adds to the accessibility standards for direct recording electronic voting machines (DREs) established by another law, sets deadlines for approving machines that do not meet these standards, and gives registrars an option for the number of DREs they must audit.

The law gives residents additional time to register to vote before an election and delays, by two days, the date registrars must file supplemental voter lists with their town clerks. It makes changes to the voter registration form and the process for filing certificates of party endorsements.

The law (1) requires registrars to certify party enrollment lists, (2) prohibits them from requiring disenfranchised felons to provide proof of their discharge from

custody when seeking to have their voting rights restored, and (3) requires the Registrars of Voters Certification Committee to establish a training program for poll workers and registrars. (**PA 05-235**, effective July 1, 2005, except for the provisions on (1) voting technology standards and DREs, which are effective upon passage; (2) absentee voting, which are effective July 1, 2005 and applicable to elections, primaries, and referenda beginning September 1, 2005; (3) voting machines, which are effective October 1, 2005; and (4) voter registration and registration forms, which are effective January 1, 2006.

## **RECORD ADMINISTRATION**

### ***Land Recordings***

A new law requires town clerks to notify their town's tax assessor of the sale of any land that is in the 490 Program when they file the sale on the land records. Under the 490 Program eligible farm, forest, or open space land is assessed based on its current use, rather than its full market value. (**PA 05-190**, effective July 1, 2005 and applicable to sales, transfers, or changes in use occurring on or after that date.

### ***Plans of Conservation and Development***

This act makes many changes in the requirements and

processes for preparing local land-use plans. It expands the contents of local plans of conservation and development, requires them to identify any inconsistencies with six growth management principles, which are included in the current state plan, modifies the process for adopting the plans, and establishes a process under which anyone may request plan changes. (**PA 05-205**, effective July 1, 2005).

### ***Landlord Identification***

A new law allows towns to require nonresident owners of rental property to maintain on file in the tax assessor's office where their property is located, or other office the town designates, his current residential address, if he is an individual, or the address of the agent in charge if the owner is a corporation, partnership, trust, or other legally recognized entity. The act defines "agent in charge" as one who manages real estate, including collecting rent and supervising property. (**PA 05-223**).

### ***Public Housing and Land Protection***

A new law creates a mechanism to fund affordable housing development and farmland, open space, and historic preservation. It requires town clerks to collect an additional \$30 fee for each

document they record in the town's land records, except those recorded for a municipal or state employee as part of his official duties. The state receives \$26 of each recorded document fee and the towns keep \$4.

The law specifies how towns must use their share. The clerks keep \$1 and the remaining \$3 becomes part of the town's general revenue. Towns must use their share to fund the same types of projects that qualify for state Local Capital Improvement Program grants.

The clerks must remit the state share they collect each month to the state treasurer by the 15<sup>th</sup> day of the next month. **(PA 05-228).**

### ***Record Validations and Lis Pendens***

The act validates a recorded mortgage, lease, release, assignment, or other document conveying or otherwise affecting a real estate interest from a fiduciary to himself recorded before January 2, 1997 unless someone has initiated a legal proceeding to set aside the transfer and recorded a *lis pendens* notice on the land records within 10 years after the document was recorded. (A *lis pendens* is a notice filed on the land records, which advises that a lawsuit affecting real estate is pending against the owner of that property. Once recorded, it serves as notice to anyone who subsequently acquires any

interest in the property and binds him to the lawsuit's outcome.)

The law does the same thing for such documents recorded after January 1, 1997. **(PA 05-247).**

### ***State Property Conveyances***

A new law authorizes new conveyances of state land to (1) the towns of Cheshire, Haddam, New Britain, and Sprague and (2) Charter Oak Health Center, Inc.; Barry T. Pontolillo; Goodwin College; Shiloh Baptist Church; Heritage Land Preservation Trust, Inc.; Matthew Ramos; and Nutmeg Housing Development Corporation.

It authorizes property exchanges with Thomas S. Charis and Dom Delvecchio, and the towns of Branford and Westbrook.

The law revises existing provisions and conditions on state property conveyances to Edward H. Dzwilewski and in the towns of Norwich, Franklin, Manchester, Middletown, Newtown, Meriden, Plainville, and Bethel. It repeals previous conveyances to Trumbull, New Britain, Westbrook, Middletown, and Enfield.

The law (1) validates the sale, transfer, and conveyance of property by the Wallingford Housing Authority to Ridgeland Road, LLC; (2) allows the town of Plainville to exchange two parcels of land that it received in a conveyance from the Department

of Environmental Protection (DEP) pursuant to SA 95-25; and (3) returns to Chandler B. Saint at no cost property that he conveyed to the state on December 30, 1999.

It requires the DEP commissioner to pay for surveying two parcels of land PA 04-186 required him to accept in an exchange with the town of Voluntown. (**PA 05-279**, effective upon passage).

### ***Special Taxing Districts***

This new law allows voters in Bridgeport and East Lyme to form special taxing districts to finance roads, sewers, and other infrastructure for new development and pay for the services needed to support them. It delineates the districts' geographic boundaries, but the districts come into existence only if the voters approve their formation. The statutes allow people who reside or own property in a section of a town to form similar special taxing districts on their own without legislative approval, but only for collecting garbage, fighting fires, or providing other similar public services.

The procedures for creating, operating, and terminating the Bridgeport and East Lyme districts are largely the same as those for creating, operating, and terminating special taxing districts under existing law. Both procedures allow people who reside or own property in the

district to vote on these matters. But the new law extends voting rights to corporations, partnerships, and other entities that own or have an ownership interest in property in the Bridgeport and East Lyme districts.

The district clerks must comply with the same reporting requirements that apply to statutory district clerks. By law, a district clerk must report to the town's clerk. The initial report must list the officers and describe the district's organization and finances and be accompanied by a copy of the district's charter or the special act establishing it. The law does not specify the contents of the subsequent reports, but it requires the district clerk to include copies of subsequent charter or special act changes. (**PA 05-289**, effective July 1, 2005).

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