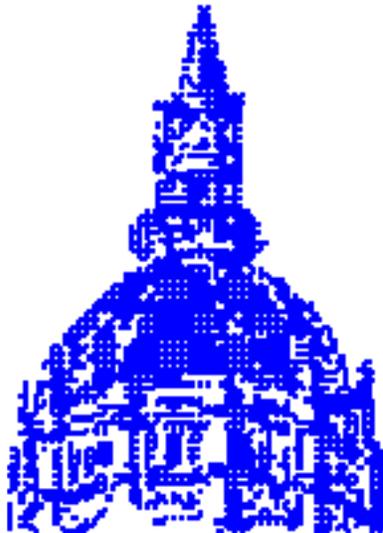


Office of Legislative Research
Connecticut General Assembly



OLR ACTS AFFECTING

TOWN CLERKS



Sandra Norman-Eady, Chief Attorney
2007-R-0566
October 11, 2007

NOTICE TO READERS

This report provides brief highlights of new laws (public acts) affecting town clerks passed during the 2007 regular and special sessions. At the end of each summary, we indicate the public act (PA) number. The acts took effect October 1, 2007, unless otherwise indicated.

Not all provisions of the acts are included here. Complete summaries of all 2007 public acts will be available in the fall when OLR's *Public Act Summary* book is published; some are already on OLR's webpage: <http://www.cga.ct.gov/olr/OLRPASums.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.ct.gov/>

TABLE OF CONTENTS

ELECTIONS 4

- Audits 4
- Filing Nominating Petitions 4
- Filling Nominated Candidate Vacancies..... 4
- Minor Party Nominations 5
- Noticing Municipal Candidate Endorsements for Primaries..... 5
- Duties When Additional Election Officials are Appointed 5
- Absentee Ballot Counters and Moderators Training 5
- Election Returns 6
- Challenge Ballots 6
- Tie Vote in a Primary 6

GOVERNMENT ADMINISTRATION 7

- Public Meeting Notices 7
- Copies of Official Local Publications 7
- Vital Records 8
- Soldiers, Sailors and Marines Fund Regulations and Aid Applications .. 8

LAND RECORDS 9

- Recording the Release of Judgment Liens..... 9
- Recording Mortgage Releases or Assignments..... 9
- Formatting Recorded Instruments..... 9
- Fee for Accessing Electronic Indexing System..... 10
- Notice of the Presence of Certain Dams 10

MISCELLANEOUS..... 10

- Notice of Hunting or Other Shooting Sports on Residential Property ... 10
- Maritime Heritage Land 10

ELECTIONS

Audits

PA 07-194 requires registrars of voters to randomly audit votes after any election or primary. The act requires the secretary of the state to select the districts subject to the audit at a random drawing that is open to the public. The elective offices subject to the audit in the selected districts are:

1. in a presidential or gubernatorial election, all offices required to be audited by federal law, plus one additional office selected in a random drawing by the secretary of the state, but in no case fewer than three offices;
2. in a municipal election, three offices or 20% of the offices on the ballot, whichever is greater, selected at random by the town clerk; and
3. in a primary election, all offices required to be audited by federal law, plus one additional office, if any, but at least 20% of the offices on the ballot, selected in a random drawing by the town clerk.

If a selected district has an office that is subject to recanvass (recount) or an election or primary contest, the secretary must select an alternate district following the same selection process.

Filing Nominating Petitions

By law, town clerks must file nominating petitions with the secretary of the state within two weeks after receiving them. **PA 07-194** establishes a \$50 late fee for town clerks who fail to file these petitions on time.

Filling Nominated Candidate Vacancies

PA 07-194 changes the period of time during which political parties may fill vacancies for nominated candidates before an election. Under prior law, a primary could be held if a candidate withdrew or became disqualified to hold office up to 10 days before the election. The act extends this period to 24 days before an election. The act requires vacancy nominations to be certified with the secretary of the state or town clerk by the 21st, rather than the 7th, day before the election. (The law requires state and district office candidates, including all candidates for state senator or state representative, to file with the secretary. Other municipal office candidates file with their town clerk.)

Minor Party Nominations

PA 07-194 requires minor parties nominating candidates for elective office to make the nominations and certify the list of candidates by the 62nd, rather than the 55th, day before the election. It also requires minor parties to file nominations for single-town district legislative candidates and probate judges with the secretary of the state, instead of the town clerk. The law already requires them to file nominations for state and multi-town district legislative candidates with the secretary.

Noticing Municipal Candidate Endorsements for Primaries

PA 07-194 establishes an earlier deadline for town clerks to publish notice of candidate endorsements for municipal primaries held during state election years (for legislative candidates in single-town districts). Under prior law, the deadline for parties to endorse municipal office candidates and town committee members was the same day that petitions are available, the 49th day before the primary, thereby precluding would-be candidates from petitioning onto the ballot.

During any state election year, the act requires town clerks to notice the candidate endorsements by the 76th day preceding the primary to allow candidates time to circulate

petitions. The notice must indicate that party endorsements can be made for the primary and that a list of endorsed candidates will be on file in the clerk's office after that occurs. Prior law required a clerk who did not receive a party endorsement by the specified deadline to publish this information in the notice. Given the earlier schedule, the act specifies that this requirement does not apply.

Duties When Additional Election Officials are Appointed

PA 07-194 authorizes registrars of voters to appoint additional election officials on the day of a primary or election, or any day thereafter, if they both agree it is necessary (1) because a poll worker is unable to serve, (2) to accommodate the public, or (3) to improve a primary's or election's administration. If they do, they must file their reasons with the town clerk.

Absentee Ballot Counters and Moderators Training

The law requires individuals who are appointed to count absentee ballots to participate in a training session. For municipalities with both an absentee ballot moderator and a polling place moderator, **PA 07-194** specifies that the absentee moderator participates in the training session during which the registrars and the moderator

review the instructional manual that the secretary of the state provides. It also eliminates a requirement that town clerks participate.

Election Returns

The law requires moderators and other election officials to examine the voting machines before the polls open and canvass the votes after they close. With respect to these duties, **PA 07-194** eliminates most procedures associated with lever voting machines and replaces them with procedures for optical scan voting tabulators. For example, the act eliminates the requirement for moderators to produce a duplicate return and the reference to a storage compartment for the duplicate at the back of voting machines. It requires moderators to file their original returns with the registrars of voters, rather than the town clerk.

Challenge Ballots

PA 07-194 changes the procedure election officials must follow when an elector votes by challenge ballot. By law, individuals may vote by challenge ballot when their names appear on the registry list but someone challenges their qualifications to vote.

The act also requires challenge ballots to be regular, not absentee, ballots that a voter

casts and delivers to the head moderator in a serially-numbered envelope. The act eliminates the requirement for the secretary of the state to prescribe, and the town clerks to provide, the larger envelope in which each voter's individual envelope is stored. It instead specifies that the registrars of voters provide the envelope that holds the individual envelopes. Finally, it requires the head moderator to file those envelopes with the town clerk and the town clerk to retain them until they may be destroyed, which by law is 180 days after the election.

Tie Vote in a Primary

PA 07-194 changes the procedure for resolving a tie vote in a primary between (1) two or more candidates for statewide, legislative, or municipal office or town committee, or (2) slates of candidates for justice of the peace. It adjourns the primary and a run-off primary between the candidates or slates of candidates who tied is held three weeks later.

The act requires the town clerk for any municipality in which the run-off will occur to immediately after the first primary provide the secretary of the state with (1) ballot labels and (2) an accurate list of the candidates who tied and will be voted on. The clerk must also publish notice of the run-off at least three days before it takes

place, providing its day, hours, place, and purpose, in a general circulation newspaper serving the municipality.

Under the act, the run-off primary is not held if all but one of the candidates die, withdraw, or become disqualified to hold office. In that case, the remaining candidate becomes the party's lawful nominee and the secretary of the state immediately notifies the town clerk in any municipality where the run-off would have occurred that it is no longer necessary. A candidate who withdraws from the run-off must file a signed letter with the secretary or town clerk, depending on the office, in order for the withdrawal to be valid. The act requires single-town district legislative candidates to file their letter of withdrawal with the clerk even though the law requires them to submit their filings to the secretary of the state.

If the run-off primary results in a tie, the secretary of the state or the registrar of voters, depending on the office, must choose the nominee by drawing lots, following the procedure under prior law for resolving a tied primary. Afterwards, he or she must certify the dissolution of the tie and the winning candidate or slate of candidates.

GOVERNMENT ADMINISTRATION

Public Meeting Notices

PA 07-213 requires state agencies, other than the General Assembly, to file their regular meeting agendas with the secretary of the state. It requires local agencies to file their agendas with the town clerk or the clerk of a multi-town district or agency, whichever is applicable. Under prior law, state and local agencies filed their agendas with the secretary of the state or the appropriate clerk, respectively, only if they had no regular office or place of business. By law, agencies must file notices at least 24 hours before the meetings.

The act requires state agencies and the secretary of the state to post the agendas on their websites but does not specify when the postings must occur.

Copies of Official Local Publications

Under prior law, the State Library was required to keep files of official municipal publications for reference. **PA 07-227** instead requires the library to keep copies of the tangible municipal publications that town, city, and borough clerks must already supply. It also requires the clerks to notify the library of the

existence, availability, and location of any intangible publications, when they are published.

Town, city, and borough clerks must file copies of charters, charter amendments, ordinances, and home rule ordinances with the secretary of the state, the State Library, and various other law libraries. The act requires clerks to provide these documents in an electronic or digital form when they are published.

The act eliminates a statute that explicitly authorizes town clerks to deposit any books in their custody, other than records, in the local public library (Effective July 1, 2007).

Vital Records

PA 07-79 makes a number of substantive and technical changes to statutes addressing vital records and related topics. It allows a town recording a vital record event relating to a nonresident to collect up to a \$2 fee from that person's town of residence. The act specifies that a marriage or civil union ceremony is valid in Connecticut only if conducted by and in the physical presence of someone authorized to perform such a ceremony.

PA 07-133 increases town clerks' fees (1) from \$5 to \$10 for each certified copy of a marriage, death, or long-form birth certificate and (2) from \$1 to \$2 for certifying copies of maps, surveys, and other documents filed with their offices. It also doubles the fee for a certified copy of a marriage or death certificate from the Department of Public Health's registrar of vital statistics from \$5 to \$10. The \$5 fee for a certified copy of a birth registration, also known as the short form, remains unchanged.

Lastly, the act allows blind people and people with mental retardation to get free lifetime sport fishing licenses, instead of requiring them to renew their licenses every year and provide proof of disability each time. It makes the same change to allow free lifetime hunting, sport fishing, or trapping licenses for (1) Connecticut residents who have lost, or permanently lost the use of, one or more limbs and (2) nonresidents with those physical disabilities, if their home states have reciprocal laws (Effective July 1, 2007).

Soldiers, Sailors and Marines Fund Regulations and Aid Applications

PA 07-187 transfers the administration of the Soldiers, Sailors and Marines Fund to the American Legion from the state treasurer, who retains custody of

the fund and responsibility for investing money left over after the disbursements required by law.

The act eliminates the requirement that the state treasurer approve the Legion's bylaws governing fund disbursements. It requires the Legion's treasurer to report the disbursements to the governor and the legislature, instead of the state treasurer. The reports are due in January, April, July, and October each year.

Prior law required the state treasurer to give a copy of the fund's regulations and aid applications to each town clerk. The act instead allows the Legion's treasurer to make them available to the clerks (Effective June 6, 2007).

LAND RECORDS

Recording the Release of Judgment Liens

Previously, a town clerk had to make a note on a recorded judgment lien indicating that a legally sufficient release was recorded on the land records. **PA 07-252** specifies that a manual release notation is not required if the town clerk electronically links the release to the recorded judgment lien (Effective July 1, 2007).

Recording Mortgage Releases or Assignments

By law, when a mortgage release or assignment is recorded, a town clerk must note the book and page where the release, partial release, or assignment is recorded on the first page of the recorded mortgage or lien. **PA 07-252** eliminates a town clerk's duty to make the notation on the digitized image of the first page of the mortgage or lien recorded electronically. The act instead specifies that a manual notation is not required if the town clerk notes the release or assignment electronically by means of a computerized notation that links the release to the recorded mortgage or lien (Effective July 1, 2007).

Formatting Recorded Instruments

PA 07-252 requires that each instrument that is to be recorded in the land records have a return address and addressee at the top of the front side of its first page. It also requires that each page of such an instrument have a blank margin at least .75 inches wide.

But the act prohibits a town clerk from refusing to receive an instrument for recording that does not conform to these requirements. It specifies that the fact that the town clerk

records a nonconforming instrument does not affect its priority or validity (Effective October 1, 2008).

Fee for Accessing Electronic Indexing System

Under existing law, town clerks collect a \$3 fee in addition to those the law already requires them to collect for recording land documents for the purpose of generating funds for preserving and managing historic documents. The town clerks keep \$1 and remit \$2 to the state treasurer for deposit in a dedicated, nonlapsing General Fund account for historic document preservation.

PA 07-252 amends the definition of “preservation and management of historic documents” to allow towns to use their portion of these funds to provide public access to an electronic indexing system combining the grantor index and grantee index of a town’s land records. By January 1, 2009, the act requires each town to provide public access to an electronic indexing system combining the grantor and grantee indexes of a town’s land records (Effective July 1, 2007).

Notice of the Presence of Certain Dams

PA 07-61 requires owners of property where there is a high hazard or significant hazard dam

to record in the town land records the dam’s presence and classification. The Department of Environmental Protection commissioner must publish a standard form for this purpose.

MISCELLANEOUS

Notice of Hunting or Other Shooting Sports on Residential Property

PA 07-214 establishes a means by which certain residential property sellers and real estate licensees may notify buyers how to discover if hunting or shooting sports regularly take place in an area. Specifically, it allows an owner of property on which hunting or shooting sports regularly take place to enter the property location on a list kept by the town clerk. Each entry must include the property owner’s name and signature; address; the corresponding map, block, and lot number; and the entry date. The act requires town clerks to keep the list available to the public for inspection and post a notice of its availability in the area of the clerk’s office where land records are kept (Effective July 1, 2007).

Maritime Heritage Land

Under **PA 07-127**, a landowner may apply to the tax assessor for classification of his or her land as maritime heritage land on any grand list of a municipality by filing a written

notice no less than 30 days before and no later than 30 days after the assessment date. If the assessor determines an applicant's land is maritime heritage land, he or she must so classify it and include it on the grand list. The assessor must annually file a certificate with the town clerk stating the date of initial classification as maritime heritage land and the conveyance tax obligation under the program (Effective July 1, 2007).

SNE:ts