

Office of Legislative Research
Connecticut General Assembly



TOWN CLERKS



2008-R-0528

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September 16, 2008

NOTICE TO READERS

This report provides brief highlights of new laws (public acts) affecting town clerks passed during the 2008 regular and special sessions. The acts took effect October 1, 2008, unless otherwise indicated.

Not all provisions of the acts are included. Complete summaries of all 2008 public acts will be available in the fall when OLR's Public Act Summary book is published; most are already on OLR's webpage: 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: www.cga.ct.gov.

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ELECTIONS

Ballot Question

sHJ 21 proposes a constitutional amendment allowing 17-year-old citizens who will turn 18 on or before the day of a regular election to vote in its primary. Under the resolution, such an individual must apply and otherwise qualify for admission as an elector. He or she may then vote in the primary held to determine nominees for the regular election. Upon turning 18, the individual's electoral rights attach. By law, a "regular election" means any municipal or state election. State elections include candidates for federal office.

Since the resolution was approved by more than three-fourths of the total membership of each house, it is to be voted upon by the electors of each town in the state at the state election to be held Tuesday, November 4, 2008. The ballot designation to be used when the amendment is presented at the general election is: "Shall the Constitution of the State be amended to permit any person who will have attained the age of eighteen years on or before the day of a regular election to vote in the primary for such regular election?"

For every polling place within a town, the secretary of the state must mail to the town clerk at least three posters showing the proposed amendment and its

explanatory text. Town clerks must require the posters to be displayed in the polling places.

(EFFECTIVE DATE: The resolution will be placed on the 2008 general election ballot. If a majority of those voting in the general election approves the amendment, it becomes part of the state constitution.)

Attribution Requirement

PA 08-2 expands the attribution law. It subjects organization expenditures for party candidate listings that are written communications, including those that are web-based, to the attribution requirement. Under prior law, this type of party candidate listing, like other organization expenditures, was not considered a campaign finance expenditure and thus was not subject to the attribution law.

The act also narrows the attribution law. It eliminates the requirement that mailings promoting the success or defeat of a candidate include (1) a photograph of the candidate who conducts the mailing and (2) his or her name in a size font no smaller than the font used in the mailing's narrative.

Campaign Finance Statements

When a treasurer files a campaign finance statement it must include, among other things, information about

individuals who have contributed over \$1,000 in the aggregate to the candidate committee. **PA 08-2** repeals the requirement that these contributors disclose whether they or their associated businesses have a state contract valued at more than \$5,000. (By law, individuals who contribute over \$50 to most candidates and committees must already certify that they are not a principal of a state or prospective state contractor or a communicator lobbyist or such a lobbyist's immediate family member.)

Prohibition on Solicitations by Chiefs of Staff

PA 08-3, June 11 Special Session, makes it an illegal campaign practice for certain chiefs of staff to solicit contributions, from specified individuals, on behalf of or for the benefit of any state, district, or municipal office candidate. Specifically, the chief of staff (1) for a legislative caucus cannot solicit an employee of the caucus, (2) for a statewide elected official cannot solicit a member of the official's office, and (3) for the governor or lieutenant governor cannot solicit from any member of the official's office or from any state commissioner or deputy commissioner.

Under existing law, it is an illegal campaign finance practice for, among other things, state department heads and their deputies to solicit political contributions at any time, and for anyone to knowingly and

willfully violate a campaign finance law. Campaign finance violators are subject to criminal penalties of up to five years in prison, a \$5,000 fine, or both for knowing and willful violations. They are also subject to civil penalties of up to \$2,000 per offense.

ETHICS

Corrupt Officials and Employees

PA 08-3, June 11 Special Session, generally permits state courts to revoke or reduce any retirement or other benefit due to state or municipal public officials or employees or quasi-public agency members and directors who commit certain crimes related to their employment.

The act requires the courts to order payment of any benefit or payment that is not revoked or reduced. Beginning October 1, 2008, it prohibits collective bargaining agreements from containing any provision that bars the revocation or reduction of a corrupt state or municipal employee's pension.

The act requires the attorney general to apply to the Superior Court for an order to revoke or reduce the benefits of a public official or employee who, on and after October 1, 2008, is convicted of or pleads guilty or nolo contendere (no contest) in federal or state court to:

1. committing or aiding or abetting the embezzlement of public funds from the

- state, a municipality, or a quasi-public agency;
2. committing or aiding or abetting any felonious theft from the state, a municipality, or a quasi-public agency;
 3. bribery connected to his or her role as a public official or employee; or
 4. felonies committed willfully and with intent to defraud to obtain or attempt to obtain an advantage for himself or herself or others through the use or attempted use of his or her office.

The attorney general must notify the prosecutor in these criminal cases of the pension revocation statute and that the pension may be used to pay any fine, restitution, or other monetary order the court issues. With some exceptions, courts may reduce or revoke pensions after taking certain factors into consideration.

“Public officials” are (1) statewide elected officers, (2) legislators and legislators-elect, (3) judges, (4) gubernatorial appointees, (5) municipal elected and appointed officials, (6) public members and union representatives on the Investment Advisory Council, (7) quasi-public agency members and directors, and (8) people appointed or elected by the General Assembly or either chamber. Advisory board members and members of Congress are not public officials.

LAND RECORDS

PA 08-56 authorizes town clerks, with respect to documents eligible to be recorded on municipal land records, to:

1. receive, index, store, archive, and transmit electronic documents;
2. provide electronic access to, and search and retrieval of, documents and information;
3. convert paper documents accepted for recording into electronic form;
4. convert into electronic form information recorded before they began to record electronic documents;
5. accept electronically any fee or tax that they are authorized to collect; and
6. agree with federal and other state and local officials on (a) procedures or processes to facilitate the electronic satisfaction of prior conditions on recording and prior approvals by other officials, and (b) the electronic payment of fees and taxes.

The act requires town clerks who exercise the authority the act grants to (1) comply with regulations adopted by the State Librarian under the act and (2) continue to accept paper documents as authorized by state law after beginning to accept electronic documents for recording and place entries for both types of documents in the same index.

(EFFECTIVE DATE: October 1, 2009)

PA 08-43 extends, from one to two years, the time that a lien for delinquent municipal water rates and charges runs before it must be continued by filing a certificate with the town clerk in the same way as a tax lien.

RECORDS ADMINISTRATION

Address Confidentiality

PA 08-120 adds Department of Mental Health and Addiction Services employees who provide direct care to patients to the list of public employees whose residential addresses are exempt from disclosure by public agencies, other than the Department of Motor Vehicles, under the Freedom of Information Act (FOIA).

(EFFECTIVE DATE: May 27, 2008)

PA 08-186 adds Department of Environmental Protection (DEP) sworn law enforcement officers to the people whose home addresses are not publicly disclosable by state and local government agencies under FOIA.

(EFFECTIVE DATE: June 12, 2008)

Posting Public Meeting Information Online

PA 08-3, June 11 Special Session, requires public agencies to post, on available web sites, meeting dates, times, and

minutes required by law to be publicly disclosed.

VITAL RECORDS

Birth Certificates-Gestational Agreements

Existing law requires that each birth certificate contain the birth mother's name. It directs the Department of Public Health (DPH) to create a replacement certificate, within 45 days after receiving a court order or 45 days after the child's birth, whichever is later. It must include all information required for the birth certificate as of the date of the birth.

PA 08-184 limits the replacement certificate requirement to births that are subject to a gestational agreement, which is one between a woman and a couple that obligates the woman, often referred to as a surrogate mother, to carry the child for the intended parents.

Sextons

By law, a sexton in charge of any burial place must provide a monthly list of all interments, disinterments, and removal of bodies to the town's registrar of vital statistics. The sexton also must file with the registrar the permits received when a body was brought into the town from another town or state for burial.

PA 08-184 specifies that the list must be in a DPH-prescribed format and requires the sexton also to file, during the first week

of each month, all completed burial permits he or she received in the preceding month. It deletes an obsolete provision concerning books furnished by DPH

Birth and Fetal Death Records

PA 08-184 repeals a provision of PA 08-66 that required recording the mother's and father's Social Security numbers (SSN) in the confidential portion of the birth certificate and makes a conforming change concerning recording the SSN of the father of a child born out of wedlock. It prohibits releasing a parent's SSN recorded on a birth or fetal death record or certificate to any person or entity that is not authorized by state or federal law (e.g., for child support enforcement).

The law provides that it is not to be construed to permit disclosure of any information contained in the "health and statistical use only" and "administrative purposes only" sections of birth or fetal death records to anyone, including these specified parties, unless DPH specifically authorizes disclosure for statistical or research purposes. The act repeals (1) a provision of PA 08-66 that also permitted disclosure of SSNs and other certificate information from these sections if state or federal law authorized it and (2) a provision of prior law that permitted disclosure of information about the parents' ethnic and racial background regardless of its use.

Marriage and Death Records

PA 08-66 limited who could receive a certified copy of a (1) marriage or civil union license or (2) for a death occurring after July 1, 1997, a certificate containing the SSNs of the parties or decedent or the complete "administrative purposes only" section to the parties to the marriage or civil union or the surviving spouse or next of kin of the deceased, as appropriate. **PA 08-184** also allows entities authorized by state or federal law to receive such records.

REVENUE

Real Estate Conveyance Tax

With some exceptions, Connecticut law requires a person who sells real property for \$2,000 or more to pay a real estate conveyance tax when he or she conveys the property to the buyer. The tax has two parts, a state tax and a municipal tax, and town clerks are responsible for remitting that revenue to the General Fund for the state and the municipality, respectively.

PA 08-1, June 11 Special Session, extends the expiration date of the basic 0.25% municipal real estate conveyance tax rate for two years, until July 1, 2010. In doing so, it also maintains the optional rate of up to 0.5% allowable in 18 eligible municipalities for the same two years. Under prior law, the basic municipal rate was scheduled to drop from 0.25% to 0.11% on

July 1, 2008. Because 18 towns are eligible to impose an additional tax of up to 0.25% on top of the basic rate, the maximum rate allowable in the 18 towns under prior law would have also dropped from 0.5% to 0.36% on that date.

(EFFECTIVE DATE: June 16, 2008)

Fines

PA 08-144 requires all sport fishing licenses to state that anyone who intentionally discards fishing line or other litter (1) on private property belonging to another person, (2) in state waters, or (3) on state public property will be fined for littering. The statement must be conspicuous and either accompany, or be printed on, the license.

By law, anyone who violates the littering law may be fined up to \$199. One-half the fine must be paid to the municipality in which the arrest was made, unless a DEP officer or patrolman made the arrest, in which case one-half the fine must be paid to DEP. The other half of the fine must be paid to the state.

PROCUREMENT

PA 08-141 allows contracting agencies to use a reverse auction to award contracts for goods or supplies if they determine that doing so would be advantageous to the agencies and ensure a competitive contract award.

Contracting agencies may contract with a third party to prepare and manage the reverse auction. The act requires that agencies comply with their policies and any applicable statutory requirements when using a reverse auction to award these contracts.

Under the act, “contracting agencies” are state agencies with statutory authority to award contracts for goods or supplies, political subdivisions of the state, and school districts. “Reverse auction” means an on-line bidding process in which qualified bidders and proposers anonymously submit bids or proposals to provide goods or supplies pursuant to an invitation to bid or request for proposals.

(EFFECTIVE DATE: June 5, 2008)

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