

Office of Legislative Research  
Connecticut General Assembly



**OLR ACTS AFFECTING**

**ACTS AFFECTING TOWN CLERKS**



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Terrance Adams, Legislative Analyst II

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Mary M. Janicki, Director  
Phone (860) 240-8400  
FAX (860) 240-8881  
<http://www.cga.ct.gov/olr>

**Connecticut General Assembly**  
Office of Legislative Research

Room 5300  
Legislative Office Building  
Hartford, CT 06106-1591  
[Olr@cga.ct.gov](mailto:Olr@cga.ct.gov)

## NOTICE TO READERS

This report provides brief highlights of new laws (public acts) affecting town clerks passed during the 2009 regular and special sessions.

Not all provisions of the acts are included. Complete summaries of 2009 public acts from the regular session are available in Part I of OLR's [\*Summary of 2009 Public Acts\*](#). Summaries of public acts passed in the special sessions will be available in a second volume; most are already on OLR's webpage: [www.cga.ct.gov/olr/OLRPASums.asp](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: [www.cga.ct.gov](http://www.cga.ct.gov).

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## **ELECTIONS**

### ***Voting Rights for 17-Year-Olds***

**PA 09-36** implements the 2008 constitutional amendment allowing 17-year-olds who will turn 18 on or before the day of a regular election to vote in its primary. Such an individual must apply and otherwise qualify for admission as an elector. He or she may then vote in a primary of the party with which he or she is affiliated. Upon turning 18, the individual's electoral rights attach. By law, a "regular election" is any municipal or state election. State elections include candidates for federal office.

EFFECTIVE DATE: Upon passage

### ***U.S. Senate Vacancies***

**PA 09-170** eliminates the governor's power to fill U.S. Senate vacancies by appointment and instead requires a special election, with two exceptions. It authorizes the governor to (1) appoint a replacement if there are 50 or more U.S. Senate vacancies among the states and (2) nominate someone to fill a vacancy occurring during the last 14 months of a senator's term, which the General Assembly must confirm.

If a special election is required, the governor must issue writs of election within 10 days after a vacancy occurs. With some exceptions, the special election must be held on the 150th day after the writs are issued, but not on a weekend. The governor's writs are conveyed to a state marshal who transmits an attested copy to town clerks or assistant town clerks.

Under the act, several procedures are the same as those for state elections: the process clerks follow to notify electors of the election date; the way the special election is organized and conducted; and the way the vote is declared, certified, directed, deposited, returned, and transmitted.

EFFECTIVE DATE: Upon passage

### ***Congressional Redistricting***

**PA 09-7 (September Special Session)** makes several changes in preparation for Congressional redistricting. With respect to town clerks, it requires the street map showing voting district lines that they provide to the secretary of the state to be in a printed or electronic format that the secretary prescribes. Prior law did not specify a format for these maps.

The act also reduces, from 60 to 21 days after any regular state election, the deadline by which town clerks in towns with multiple voting districts must submit election returns showing district-by-district results. They must present the data in tabular format on a form that the secretary of the state prescribes.

Additionally, the act requires town clerks to certify that they have examined the district-by-district returns to determine whether they conflict with the total town votes cast during the election, or in the case of a recount, the recount results. If they conflict, the town clerk must also certify that he or she has contacted the head moderator and corrected the discrepancy.

EFFECTIVE DATE: Upon passage

## **LICENSING**

### ***Saltwater Fishing License***

**PA 09-173** creates a recreational saltwater (marine sport) fishing license and fees. The fee is \$10 for state residents and \$15 for nonresidents. Town clerks are required to keep a \$1 recording fee for each license they issue. Exceptions to the license requirement include:

1. people rowing a boat or operating the motor of a boat from which other people are taking or attempting to take fish,
2. anyone fishing as a passenger on a registered

- party, charter, or head boat operating solely in the marine district; and
3. state residents participating in a fishing derby that the DEP commissioner authorized in writing if, (a) no fees are charged for the derby, (b) it lasts one day or less, and (c) it is sponsored by a nonprofit civic service organization. These organizations are limited to one derby in any calendar year.

The Department of Environmental Protection (DEP) commissioner may issue a free license to people age 65 and older who have been state residents for at least one year.

The act also allows residents of the other New England states or New York to obtain this marine license for the same fee or fees as a Connecticut resident if he or she is a resident of a state that extends the same privilege to Connecticut residents.

EFFECTIVE DATE: June 15, 2009

## **LAND RECORDS**

### ***Sewer Assessments***

**PA 09-89** relates to the certificate recorded on land records of property subject to sewer assessments. Under prior law, upon payment of the final installment or the total assessment, the town clerk cancelled or removed the certificate within seven days. The act instead requires the tax collector to prepare a release of certificate and record the release on the land record under these circumstances.

EFFECTIVE DATE: October 1, 2009

### ***Electronic Recording of Land Records***

**PA 09-213** makes technical corrections regarding the electronic recording of land records. The act eliminates a town clerk's duty to make a notation in the town's land records in connection with various documents recorded in those records, including liens, mortgages, and certain certificates and condominium-related documents. Instead, it requires that the town clerk record a (1) discharge of lien, attachment, or other encumbrance or (2) certain certificates on the town's land records. It also makes several related and conforming technical changes.

EFFECTIVE DATE: October 1, 2009

### ***Registration of Foreclosed Properties***

**PA 09-144** creates a registration system for tracking the owners of uninhabited one-to four-family dwellings obtained by strict foreclosure or foreclosure by sale. The properties must be registered with the town clerk of the municipality in which they are located (for a \$100 fee), or with the Mortgage Electronic Registration Systems. The registration deadline depends on when the property becomes vacant. If the property is vacant on the day title vests, then it must be registered within 10 days of that date. If the property becomes vacant due to an execution of ejectment or eviction within 120 days after title vests, then it must be registered within 10 days after the property becomes vacant.

The act also requires registrants to provide certain contact information, a preferred method of contact, and contact information for the local property maintenance company responsible for the security and maintenance of the vacant residential property, if there is one. Registrants must report any changes in the registration information within 10 days of the date of the change.

EFFECTIVE DATE: October 1, 2009

## **VITAL RECORDS**

### ***Same-Sex Marriage***

**PA 09-13** redefines marriage as the legal union of two persons, allowing same-sex couples the right to marry. Beginning on the date the act passes and until September 30, 2010, parties to Connecticut civil unions may apply for a marriage license. After the marriage is solemnized and the license certificate is filed with the appropriate vital statistics registrar, their civil union merges into a marriage. On October 1, 2010, all existing same-sex civil unions will transform into marriages, except for those in which the couple has divorced or annulled the civil union, or is in the process of doing so.

EFFECTIVE DATE: Upon passage

### ***Death-Related Records***

**PA 09-232**, requires local registrars of vital statistics to appoint at least two subregistrars who can issue needed permits when the registrar's office is closed; prior law did not set a minimum number. It allows subregistrars to issue cremation permits as well as removal, transit, and burial permits. Subregistrars must forward the death and cremation certificates upon which they issued permits to the registrar of the town where the death occurred, not the registrar that appointed them.

State law requires sextons to report all interments, disinterments, and removals to the registrar of the town where the cemetery is located. Under the act, they can fulfill this requirement by recording removal, transit, and burial permits in an electronic registry. They must do so within three days of the burial.

If using a paper format, sextons must (1) send the completed and signed removal, transit, and burial permit to the registrar of the town where the body is buried and (2) send a copy to the registrar of the town where the death occurred. A sexton in charge of reinterring a disinterred body must (1) complete and return a disinterment permit to the registrar of the town where the body is buried and (2) send a copy to the registrar of the town where the death occurred. Sextons must send all paper permit forms within the first week of the month following the burial or disinterment and are subject to a \$500 fine or imprisonment for up to five years for failure to follow these procedures.

The act allows embalmers and funeral directors from other states that have reciprocal agreements with Connecticut to apply for a disinterment permit. It specifies that they and DPH-licensed funeral directors and embalmers and people acting under a court order, who are currently allowed to apply for

such permits, can apply to either the registrar of the town where the body is buried or of the town where the death occurred.

EFFECTIVE DATE: October 1, 2009

**Marriage Licenses**

PA 09-232 repeals a couple’s ability to obtain a marriage license in the town where either of the parties lives; the license must be obtained in the town where the marriage is to be performed.

EFFECTIVE DATE: October 1, 2009

**FEES**

**Fee Increases**

PA 09-3 (June Special Session) increases the following fees collected by town clerks:

<i>Fee Description</i>	<i>Prior Fee</i>	<i>New Fee</i>
Maximum fee to copy a public record with a hand-held scanner	\$10	\$20
Fee for certificate of appointment replacement payable to town clerk	1	15
Certification of birth registration, short form	5	15
Certification of birth registration, long form	10	20
Certificate of marriage or death	10	20

EFFECTIVE DATE: October 1, 2009

**Document Recording Fee Temporarily Increased**

PA 09-229 creates a grant program for milk producing dairy farmers and funds it by temporarily increasing, from \$30 to \$40, the fee for each document recorded in municipalities’ land records. This increase is effective from the act’s effective date until July 1, 2011.

EFFECTIVE DATE: Upon passage