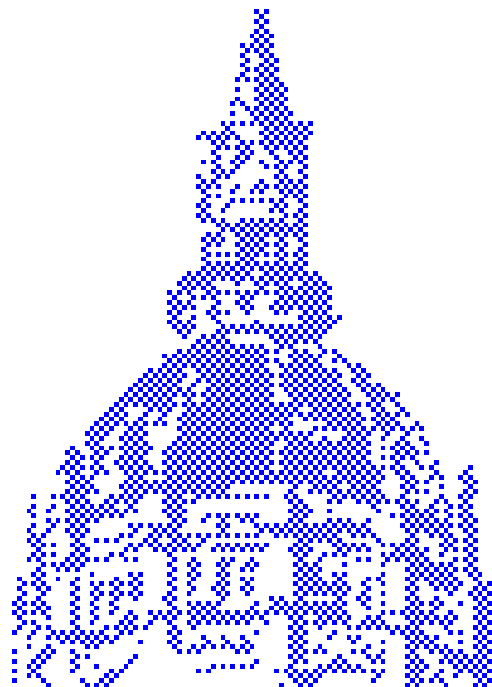


Office of Legislative Research  
Connecticut General Assembly



**OLR ACTS AFFECTING**

**TOWN CLERKS**



2013-R-0311

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## **NOTICE TO READERS**

This report provides highlights of new laws affecting town clerks enacted during the 2013 regular legislative session.

Not all provisions of the acts are included here. Complete summaries of all 2013 public acts passed will be available when OLR's Public Act Summary book is published; some are already available 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

<b>ELECTIONS .....</b>	<b>4</b>
Amended Election Returns.....	4
Ballots.....	4
Campaign Finance.....	4
Delivery of Absentee Ballots .....	5
Electors' Changes of Address .....	5
No Excuse Absentee Voting and Moderator's Returns.....	5
Timing of Certain Municipal Special Elections.....	5
Use of Community Notification Systems for Upcoming Referenda.....	6
Voting by Members of the Military Serving Overseas .....	6
<b>LAND RECORDS.....</b>	<b>7</b>
Certificate of Revocation .....	7
Use Restrictions.....	7
<b>PROPERTY ACQUISITIONS.....</b>	<b>7</b>
Surplus State Property .....	7
<b>RECORDS .....</b>	<b>8</b>
Birth Certificates .....	8
Department of Consumer Protection (DCP) Boards.....	8
<b>TAXES AND FEES .....</b>	<b>8</b>
Board of Assessment Appeals .....	8
Notice of Tax Sale .....	9
Notices of Taxes Due.....	9
Recording Fees .....	9
Tax Account Numbers .....	11

## **ELECTIONS**

### ***Amended Election Returns***

A new law requires head moderators, registrars of voters, and town clerks in towns with more than one voting district to meet within seven days after a regular state election to identify any errors in the moderator's "election night returns" (i.e., returns showing total town votes for each candidate). It also requires moderators to correct any error and file an amended return with the secretary of the state and registrars no later than 14 days after the election.

([PA 13-296](#), effective January 1, 2014)

### ***Ballots***

A new law prohibits a candidate from being cross-endorsed by a major or minor party unless a candidate for statewide office, belonging to the endorsing minor party, received at least 15,000 votes at the previous state election. It also requires the word "party" to appear after the names of political parties and party designations on the ballot. For cross-endorsement purposes, statewide office candidates are those for governor, secretary of the state, treasurer, comptroller, and attorney general.

([PA 13-180](#), §§ 38-40, effective upon passage)

### ***Campaign Finance***

By law, town clerks are the filing repository for campaign finance statements from certain political committees (known as PACs) and municipal office candidates.

This year the legislature made numerous changes to campaign finance laws. Among other things, the act:

1. authorizes persons, not only individuals, entities, and committees, to make unlimited independent expenditures (IEs);
2. authorizes persons to accept unlimited covered transfers, which the act defines;
3. changes reporting and disclaimer requirements for IEs and establishes them for covered transfers;
4. specifies that political committees do not have to register with the State Elections Enforcement Commission (SEEC) if they will make only IEs;
5. expands contribution and expenditure exemptions;
6. raises various contribution limits;
7. eliminates certain periodic campaign finance reporting requirements for specified candidates and committees; and
8. extends the deadline by which treasurers must deposit contributions in their committee's

depository account from 14 to 20 days after receiving them.

([PA 13-180](#), effective upon passage)

### ***Delivery of Absentee Ballots***

Existing law requires town clerks to deliver absentee ballots to registrars of voters for checking at specified times (e.g., 12 p.m. and 6 p.m.) throughout the day of a primary, election, or referendum. A new law authorizes clerks and registrars to mutually agree on a later time or times, as long as the ballots are delivered by the close of polls (i.e., 8:00 p.m.). If they do not agree on a later time, the clerks must deliver the ballots according to the schedule existing law sets.

([PA 13-295](#), effective July 1, 2013)

### ***Electors' Changes of Address***

A new law requires electors who move within the same municipality and want to transfer their voter registration to their new address to submit to the registrars of voters a new voter registration application. Previously, they had to submit a signed request that included their new and old addresses and the date they moved.

([PA 13-290](#), effective July 1, 2013)

### ***No Excuse Absentee Voting and Moderator's Returns***

The legislature passed a resolution that proposes a constitutional amendment to (1) remove restrictions on voting by absentee ballot and (2) permit a person to vote without appearing at a polling place on Election Day. The resolution also lifts the constitutional deadlines by which the lists of results (i.e., moderator's returns) for state officers and General Assembly members must be delivered to town clerks and the secretary of the state (within three and 10 days after an election, respectively). The statutory deadlines remain in place (CGS § [9-314](#)).

The resolution will appear on the 2014 general election ballot. If a majority of those voting in the general election approves the amendment, it will become part of the state constitution.

([RA 13-1](#), referred to the 2014 general election ballot)

### ***Timing of Certain Municipal Special Elections***

By law, a special municipal election held to fill a vacancy or a newly created office may be convened by the board of selectman or upon application of 20 electors. In the latter case, a new public act creates an exception to the election calendar. Specifically, it authorizes the secretary of the state to combine the special election with a regular municipal election when the special election

would fall 30 days or fewer before the regular election. The act thus extends, from 150 to 180 days, the maximum length of the election calendar in these cases.

The act does not otherwise affect special municipal election calendar requirements (e.g., time for party endorsements and a primary).

([PA 13-260](#), effective upon passage)

### ***Use of Community Notification Systems for Upcoming Referenda***

A new public act authorizes municipalities that maintain a community notification system to, at the direction of the chief elected official, use it to notify enrolled residents of an upcoming referendum. The notice must be limited to (1) the referendum's date and time, (2) the question that will appear on the ballot, and (3) any explanatory text that the town clerk prepared and municipal attorney approved describing the question's intent and purpose. The act prohibits the notice from advocating for or against the success or defeat of a referendum question.

Other than for the notice described above, the act prohibits people from using, or authorizing the use of, municipal funds to send residents unsolicited communication by electronic or automated means to remind or encourage them to vote in a referendum. This prohibition does not apply to a

regularly published newsletter or similar publication.

The act authorizes SEEC, after providing opportunity for a hearing, to impose a civil penalty of up to twice the amount of any improper expenditure or \$1,000, whichever is greater, on a person who violates the prohibition on using municipal funds. A public employee who receives such a penalty cannot receive reimbursement from the state or municipality.

([PA 13-247](#), § 386, effective upon passage)

### ***Voting by Members of the Military Serving Overseas***

A new law requires the secretary of the state, in consultation with the Military Department, to select a method for members of the armed forces stationed abroad and their family members living with them to return their voted overseas absentee ballots for any election or primary held after September 1, 2014. The method must (1) give due consideration to ballot security and privacy and (2) ensure that the municipality receives the ballot before the polls close, when the voter properly uses the method.

The secretary must submit a report to the Veterans' Affairs and Government Administration and Elections committees by January 1, 2014 describing the method and legislative changes necessary for its implementation.

([PA 13-185](#), effective upon passage)

## **LAND RECORDS**

### ***Certificate of Revocation***

A new law requires the energy and environmental protection commissioner to issue a certificate of revocation when he revokes a final order to abate water pollution or correct potential sources of the pollution. He must record the certificate on the land records in the town where the land at issue is located and send a certified copy of it to the landowner. Existing law applies the same requirements to certificates of compliance.

([PA 13-209](#), § 11, effective October 1, 2013)

### ***Use Restrictions***

As an alternative to environmental land use restrictions (ELURs), a new public act allows property owners to execute and record a notice of activity and use limitations (NAUL) in municipal land records. Like ELURs, NAULs are legal instruments used to prohibit activities that could increase the risk of people being exposed to contamination.

Property owners may execute and record ELURs in the land records for the same reasons as NAULs—to minimize human exposure to environmentally contaminated property, but the act allows them to do so for broader reasons.

By law, property owners cannot record an ELUR unless each person holding an interest in the property irrevocably

subordinates their interest in it. Under the act, a property owner can record a NAUL without the interest holders agreeing to subordinate their interest, but must notify them before recording a NAUL.

Another difference concerns recording deadlines. By law, property owners must record an ELUR within seven days after its execution. The act imposes no deadline on recording NAULs. Lastly, foreclosures, by law, do not extinguish ELURs, while such actions, under the act, extinguish NAULs.

([PA 13-308](#), §§ 33-36, effective October 1, 2013)

## **PROPERTY ACQUISITIONS**

### ***Surplus State Property***

Under prior law, if state property were determined to be surplus, the state had to first offer to sell it to the municipality in which it is located, subject to conditions of sale acceptable to the state. A new law instead requires that the state offer to convey the property to the municipality (e.g., sell, lease, exchange, or enter into agreements concerning it) and establishes procedures and deadlines for completing the transaction. To accept the property, the municipality must (1) by a vote of its legislative body, accept the conveyance and (2) deliver a resolution of the action, verified by the town clerk, to the administrative services commissioner.

The new law also requires that the municipality receive at least six months' notice of state property that is expected to become surplus.

([PA 13-263](#), § 1, effective July 1, 2013)

## **RECORDS**

### ***Birth Certificates***

A new law allows certified homeless youth and emancipated minors to access or receive their birth certificates. The youth must appear in person, accompanied by the person certifying him or her as homeless, and present a written request to:

1. the town clerk's office in the town where the youth was born;
2. the town clerk's office in the town where the youth's mother resided at the time of birth;
3. any town clerk in the state with access to the electronic vital records system, if the birth certificate was filed electronically; or
4. the Department of Public Health's Vital Records Office.

The act requires the certified homeless youth to present to DPH or the clerk sufficient identifying information as DPH regulations may require. The

person certifying the youth as homeless must also present sufficient identifying information to indicate that he or she meets the certification requirements.

([PA 13-142](#), effective October 1, 2013)

### ***Department of Consumer Protection (DCP) Boards***

The law requires certain DCP boards to (1) biennially furnish a copy of a roster with everyone licensed or registered by them to each town clerk and (2) notify the clerks of any deletion from the roster within five days of the deletion. A new law allows the boards to fulfill these requirements by posting the rosters and deletions on DCP's website.

The boards are those for Electrical Work; Heating, Piping, Cooling, and Sheet Metal Work; Plumbing and Piping Work; Elevator Installation, Repair, and Maintenance; Fire Protection Sprinkler Systems; and Automotive Glass and Flat Glass Work.

([PA 13-196](#), § 3, effective upon passage)

## **TAXES AND FEES**

### ***Board of Assessment Appeals***

Existing law allows a taxpayer aggrieved by a board of assessment appeals' decision to appeal to the Superior Court. Under prior law, if the court reduced the taxpayer's assessment, the town had to reimburse the taxpayer or grant



a tax credit for the overpayment, plus interest and costs. A new law excludes from this reimbursement or tax credit recording fees assessed by the (1) tax collector for preparing the tax lien certificate and (2) town clerk for recording the liens on the land records.

(PA 13-276, § 5, effective October 1, 2013)

### ***Notice of Tax Sale***

The law requires a tax collector selling property through a tax sale to provide a series of notices of the sale. Prior law required the collector to (1) file a notice with the town clerk, who recorded it in the land records; (2) post it on a signpost, if any, in the town where the real estate is located or at some other exterior place near the town clerk's office; and (3) publish a notice at least once a week for three consecutive weeks in a newspaper published in the town, or, if one was not available, in a newspaper published in the state having general circulation in the town.

A new law (1) specifies that the recording serves as constructive notice equivalent to a lis pendens (a notice of an impending lawsuit affecting the property that is filed in the land records and binds future property owners to the suit's consequences) for all purposes; (2) requires the collector to post the notice on a bulletin board in or near his or her office, rather than on a signpost; and (3)

allows the collector to publish the notice in either type of newspaper.

(PA 13-276, §§ 30-34, effective October 1, 2013)

### ***Notices of Taxes Due***

A new law requires tax collectors to post notice of the time and place at which they will receive taxes on a signpost, bulletin board, or the municipality's website. Prior law required them to post the notice on a signpost located in the municipality, or, if there was no such signpost, (1) on a signpost located in the town within which the municipality is located or (2) at some other exterior place near the town clerk's office. By law, they must also publish the notice in a newspaper.

(PA 13-276, § 22, effective October 1, 2013)

### ***Recording Fees***

A new public act (1) increases the fees a "nominee of a mortgagee" must pay to town clerks when recording certain documents, including warranty deeds, quitclaim deeds, mortgage deeds, or mortgage assignments, and (2) specifies how the fee revenue must be allocated. Under prior law, anyone recording these documents paid \$10 for recording the first page and \$5 for each additional page. They also paid \$2 for each mortgage assignment after the first two assignments. The recording party had to pay separate \$3 and \$40 recording surcharges, a portion

of which is remitted to the state and used to capitalize various accounts.

The act establishes, for nominees, a new recording fee schedule that depends on whether or not the nominee either appears as the assignor in the mortgage assignment or releases the mortgage. If the nominee appears as the assignor or releases the mortgage, there is a flat \$159 fee for the entire assignment or release, including the fees required under prior law. For any other document, the fee is \$116 for the first page, \$5 for each additional page, \$2 for each mortgage assignment after the

first two assignments, plus a \$43 recording surcharge. The act also specifies how the fees collected from nominees must be allocated, as Table 1 shows.

Under the act, a “nominee of a mortgagee” is any person who (1) serves as mortgagee for a mortgage loan that is registered in a national electronic database that tracks changes in mortgage servicing and ownership interests in residential mortgage loans on behalf of its members and (2) is a nominee or agent for the promissory note’s owner or the note’s subsequent buyer, transferee, or owner.

**Table 1: Nominee Fee Revenue Allocation Requirements**

<i>Document</i>	<i>State Share</i>	<i>Municipal Share</i>
Any document recorded by a nominee, except mortgage assignments in which nominee appears as assignor or releases the mortgage	\$110, of which: 1. \$74 goes to the General Fund and 2. \$36 to the Community Investment Account	\$49, of which: 1. \$39 goes to the municipality’s general revenue and 2. \$10 to the town clerk’s fund  Town also keeps any fees for additional pages
Mortgage assignment in which nominee appears as assignor or releases the mortgage	\$127, of which: 1. \$31 goes to the General Fund, 2. \$36 to the Community Investment Account, and 3. \$60 to the State Banking Fund for Foreclosure Mediation Program until October 1, 2014	\$32, which goes to the municipality’s general revenue

([PA 13-247](#), §§ 81 & 82, effective July 15, 2013. Please note that [PA 13-184](#), §§ 97 & 98 made nearly identical changes effective July 1, 2013.)

***Tax Account Numbers***

A new act conforms law to practice by requiring that the tax assessor or rate maker, rather than the town clerk or rate maker, assign a number for each tax account.

([PA 13-276](#), § 13, effective October 1, 2013)

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