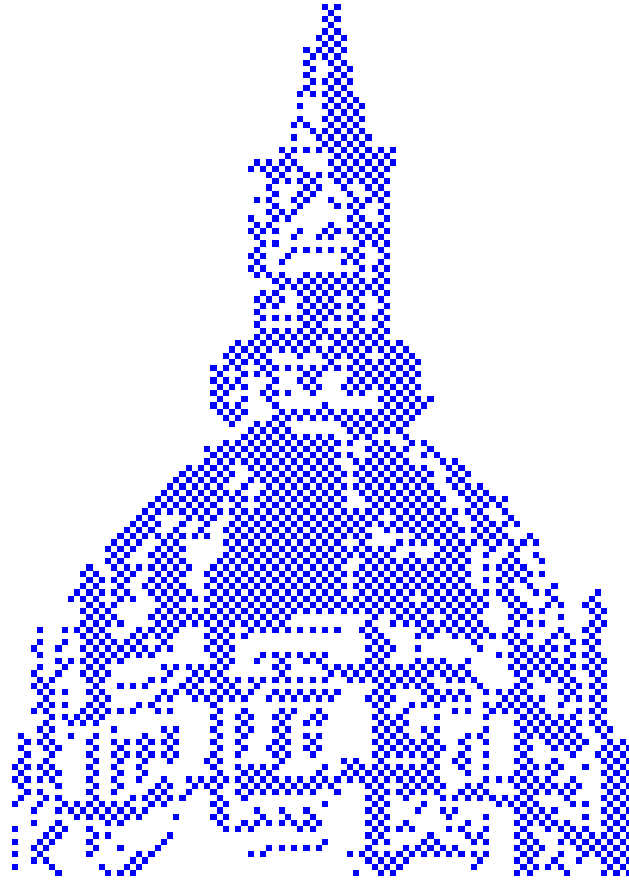




ACTS AFFECTING TOWN CLERKS AND ELECTIONS



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Terrance Adams, Associate Analyst

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NOTICE TO READERS

This report provides highlights of new laws affecting town clerks and elections enacted during the 2015 regular and special legislative sessions. It does not include vetoed acts.

Not all provisions of the acts are included here. Complete summaries of all 2015 public acts are available on OLR's webpage as they are completed:
<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, House Clerk's Office or the General Assembly's website: <http://www.cga.ct.gov/>.

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CAMPAIGN FINANCE

Municipal Campaign Finance Filings

A special act authorizes the State Elections Enforcement Commission (SEEC), within available appropriations, to establish a pilot program to assist town clerks in up to 20 municipalities with their campaign finance filing duties. Each participating municipality must implement a plan, which SEEC designs, to transfer some or all of the town clerk's filing repository duties to the commission.

The act also requires SEEC to conduct a study, within available appropriations, on the efficiency of transferring town clerks' filing repository duties to the commission. The pilot program terminates on April 6, 2018.

([SA 15-14](#), effective upon passage)

Task Force on Treasurers and Candidate Committees

A special act establishes a nine-member task force to study candidate committee procedures and the statutory and regulatory requirements imposed on their treasurers. It must submit its findings and recommendations to the Government Administration and Elections Committee by January 1, 2016.

([SA 15-15](#), effective upon passage)

Use of Public Funds to Influence Referendum Outcome

Existing law prohibits the use of public funds to influence the success or defeat of a referendum question. A new law exempts from this prohibition third-party comments posted on social media or on Internet websites maintained by the state, municipalities, or regional school districts.

([PA 15-173](#), effective upon passage)

CANDIDATES

Invalid Minor Party Nominations

By law, minor parties must certify their list of nominations to the secretary of the state or town clerk, whichever applies, by the 62nd day before the election. A new law deems invalid any certificate that the secretary or town clerk does not receive by this deadline. If invalidated, the party is deemed to have not nominated or certified any candidate for office. Similarly, under existing law, major parties are deemed to have not endorsed a candidate if they miss statutory deadlines for filing a certificate of endorsement with the secretary of the state or town clerk, as applicable.

([PA 15-224, § 15](#), effective January 1, 2016)

Major Party Municipal Office Endorsements

A new law requires major parties to include the signatures of candidates they endorse to run in a primary for municipal office in the certificates they file with the town clerk. Existing law establishes the signature requirement for (1) major party legislative and statewide office candidates and (2) minor party nominations of municipal, legislative, and statewide office candidates.

The new law also eliminates the requirement that major parties file endorsement certificates for registrars of voters with town clerks. It instead requires that they file endorsements for all municipal office candidates elected at a state election with the secretary of the state. Thus, in state election years, town clerks must publish notice indicating that the list of endorsed candidates will be available in the secretary's office, not in the clerk's office as under prior law.

([PA 15-224, §§ 11-12](#), effective January 1, 2016)

Probate Judge Candidates and Elections

Under existing law, the council on probate judicial conduct investigates complaints alleging various types of misconduct by probate judges. A new law extends the council's jurisdiction to cover misconduct complaints against,

among others, candidates for probate judgeships.

Specifically, it requires the council to investigate written complaints it receives alleging that candidates for probate judge (other than incumbents) violated any applicable law or canon of ethics (1) while a candidate or (2) if elected, during the period between the election and the start of the term. If the council votes to admonish or censure a candidate, it must send a copy of the admonishment or censure to the town clerks in the candidate's probate district.

The act also allows, rather than requires, the governor to call a special election to fill a probate court vacancy. It requires the probate court administrator to choose another probate judge to temporarily fill the vacancy under existing law's procedures.

([PA 15-217, §§ 8-15 & 24](#), effective July 1, 2015, except that the vacancy provisions are effective October 1, 2015)

Residency Requirements

A new law establishes an in-district residency requirement for petitioning, write-in, and minor party candidates for municipal or district office. The requirement already applies to major party candidates.

Under the new law, a petitioning or minor party candidate nomination is valid only when the candidate's name

appears on the last-completed enrollment list for the district in which he or she will run. A write-in candidate registration is valid only when it meets the same standard. Under prior law, these nominations and registrations were valid when the candidate was a registered voter in the state.

([PA 15-224, §§ 13-15](#), effective January 1, 2016)

ELECTION ADMINISTRATION

Election Returns

The legislature changed several deadlines associated with canvassing election returns and submitting the official results to the secretary of the state, as shown in Table 1.

Table 1: Election Returns and Canvass Deadlines

Act §	Requirement	Deadline under Prior Law	Deadline under the Act
§ 21	Moderator deposits certificate from the official checkers with town clerk	Day following the primary or election	48 hours after the polls close
§ 21	Registrars deposit signed registry list with town clerk	Day following the primary or election	48 hours after the polls close
§ 23	Moderator announces (1) name of each candidate, and his or her absentee votes, and (2) votes for and against any ballot questions	As soon as the polls close and count is complete	48 hours after the polls close
§§ 23 & 26	Moderator submits "preliminary list" of election returns for offices voted on at a federal or state election	N/A	Midnight on election day by electronic means

Act §	Requirement	Deadline under Prior Law	Deadline under the Act
§ 26	Moderator submits (1) "duplicate list" of election returns for offices voted on at a federal or state election or (2) results of votes for offices voted on at a municipal election	Midnight on election day, if delivered by electronic means (hard copy must be delivered within three days after the election); -6:00 p.m. the day after the election, if delivered by hand; or -4:00 p.m. the day after the election, if delivered by hand to the State Police (in which case the police must meet the 6:00 p.m. deadline)	48 hours after the polls close by electronic means (hard copy must be delivered within three days after the election)
§ 27	Registrars provide town clerks with results of votes cast	N/A	48 hours after the polls close

Under existing law, moderators, town clerks, and registrars in towns divided into voting districts must meet to identify any errors in the election night returns previously submitted to the secretary (i.e., "duplicate list"). The act requires these officials to meet no later than 9:00 a.m. on the third day, rather than seven days, after a regular state election to identify any errors. Moderators must correct any errors and file an amended return with the secretary and registrars no later than

1:00 p.m. on the third day, rather than 14 days, after the election.

([PA 15-224, §§ 21-27](#), effective upon passage)

Mail-In Voter Registration Deadline

Prior law established separate voter registration deadlines before an election for mail- and in-person applications. The legislature made these deadlines uniform by moving the mail-in voter registration deadline from 14 to seven days before an election, thus making it the same as the in-person deadline.

([PA 15-224, § 10](#), effective upon passage)

Municipal Agreements

The legislature gave municipalities broad authorization to jointly perform functions required of them by state election law. It allowed two or more municipalities to enter into an agreement to jointly perform any election function that they currently perform individually. Each agreement must (1) be negotiated and contain all provisions that the participating municipalities agree to; (2) establish a process for amending, terminating, and withdrawing from it; and (3) be submitted to each municipality's legislative body for approval.

The agreement must be filed with each participating municipality's town clerk and the secretary of the state. The filing must occur within seven days after

the last legislative body to join the agreement ratifies it.

([PA 15-224, § 30](#), effective upon passage)

Municipal Communications Regarding Referenda

Existing law generally prohibits municipalities from sending residents unsolicited communications about referenda, except that it authorizes those that maintain a community notification system to use it, at their chief elected official's direction, to notify enrolled residents of an upcoming municipal referendum.

A new law creates a second exception, authorizing regional school boards to request that their member municipalities use their community notification systems to notify enrolled residents of an upcoming regional school district referendum. It conforms law to practice by specifying that an Internet website maintained by a municipality or regional school district is not a community notification system and may contain a notice of an upcoming municipal or regional school district referendum.

The act also authorizes regional school boards to print and disseminate neutral printed material, in addition to explanatory texts, about regional school district referenda. The board's attorney must approve the material.

Municipalities already have this authority for municipal referenda.

([PA 15-173](#), effective upon passage)

Online Voter Registration System

Existing law requires the secretary of the state to maintain an online voter registration system. In addition to new registrations, the system must permit a registered voter to apply to make changes online to his or her registration information.

A new law specifies that registrars and other admitting officials may use the online system to register voters during Election Day Registration (EDR). By law, a person may register and vote on Election Day at a designated EDR location if he or she meets the eligibility requirements for voting in this state and is (1) not already an elector or (2) registered in one municipality, but wants to change his or her registration because he or she currently resides in another municipality.

([PA 15-224, § 9](#), effective upon passage)

MISCELLANEOUS

Exemptions from Childhood Vaccinations

Existing law exempts from school immunization requirements children who present a statement from their parents or guardians that an immunization would be contrary to the child's religious beliefs. A new law

additionally exempts children who present a statement that the immunization would be contrary to the parents' or guardians' religious beliefs. It requires that any such statement be officially acknowledged by a notary public, Connecticut-licensed attorney, judge, family support magistrate, court clerk or deputy clerk, town clerk, or justice of the peace.

([PA 15-174](#), effective July 1, 2015)

Security Freezes on Children's Credit Reports

A new law allows a minor's parent or legal guardian to place a security freeze on the minor's credit report. To initiate a security freeze, the act requires the parent or guardian to provide the credit rating agency with, among other things, a written notarized statement signed by the parent or guardian that (1) expressly describes his or her authority to act and (2) is acknowledged according to law by a judge, family support magistrate, court clerk or deputy clerk with a seal, town clerk, notary public, justice of the peace, or Connecticut-licensed attorney.

([PA 15-62](#), effective October 1, 2015)

OVERSIGHT OF ELECTIONS

Complaints to SEEC

By law, SEEC receives complaints from the secretary of the state, registrars of voters, town clerks, and individuals under oath concerning

alleged election law violations. It investigates and holds hearings as it deems appropriate.

With respect to complaints the secretary of the state files on or after July 1, 2015, a new law requires SEEC to (1) determine whether to investigate within 30 days after the filing and (2) complete an investigation and issue a decision within 90 days after the filing. If SEEC fails to meet these deadlines, the secretary may apply to Hartford Superior Court for an order to show cause why the commission has not acted on the complaint and provide evidence that the commission has unreasonably delayed action.

([PA 15-224, § 6](#), effective upon passage)

Hartford Election Monitor

The general government implementer establishes a temporary "election monitor" in a municipality with a population of 124,000 to 128,000, according to the most recent federal decennial census (i.e., Hartford). It (1) specifies that the election monitor is not considered a state employee and (2) requires the secretary of the state to contract with an individual to serve in this capacity until January 1, 2017, unless she terminates the contract for any reason before that date. The election monitor's purpose is to detect and prevent irregularity and impropriety within the municipality in the management of election administration and conduct.

Under the act, the election monitor must be reimbursed for necessary expenses and compensated in accordance with the contract. The municipality must provide office space, supplies, equipment, and services necessary for the monitor to properly carry out his or her duties.

([PA 15-5, June Special Session, § 434](#), effective upon passage)

Regional Election Monitors

A new law establishes a "regional election monitor" within each of the state's nine planning regions to represent, consult with, and act on the secretary of the state's behalf before and during each election, primary, recanvass, and audit. It (1) specifies that the monitors are not state employees and (2) requires the secretary of the state to certify them.

Existing law authorizes each planning region's regional council of governments (COG) to determine the services it will provide its member municipalities. The act creates an exception to this authorization and requires COGs to provide the monitor-related services it prescribes. Specifically, the act requires each COG, by March 1 annually, to (1) contract with an individual to serve as the monitor for that planning region and (2) enter into a memorandum of

understanding with the secretary of the state about the monitor.

([PA 15-5, June Special Session, §§ 442-444](#), effective January 1, 2016)

The Secretary of the State's Authority

Two new laws expand the secretary of the state's election administration authority. Effective upon passage, PA 15-224 requires that the secretary's regulations, declaratory rulings, instructions, and opinions be implemented, executed, and carried out, whichever applies. Prior law presumed that these written statements correctly interpret and effectuate the administration of elections and primaries, but did not explicitly require that they be followed.

Effective January 1, 2016, the general government implementer authorizes the secretary of the state to issue an oral or written order, effective upon issuance, to any registrar of voters or moderator during a municipal, state, or federal primary, election, recanvass, or audit to correct an irregularity or impropriety related to its conduct. As with her written statements, the act presumes that the secretary's orders correctly interpret and effectuate the administration of elections and primaries and requires that they be followed. The act also authorizes the Superior Court, upon

application of the secretary or attorney general, to enforce such an order.

([PA 15-224, § 3](#), effective upon passage, and [PA 15-5, June Special Session, §445](#), effective January 1, 2016)

REGISTRARS AND POLL WORKERS

Ballot Clerks

The legislature allowed U.S. citizens age 16 or 17 to be appointed as ballot clerks after (1) attending poll worker training and (2) receiving written permission from a parent or guardian, or in some cases, school principal. Existing law allows them to also be appointed as checkers, translators, or voting tabulator tenders after satisfying these two requirements.

([PA 15-224, § 17](#), effective upon passage)

Certification, Removal, and Temporary Relief of Duties

A new law requires that registrars of voters be certified and establishes a formal process for removing them from office. Under this process, the secretary of the state can seek removal by filing a statement with SEEC if, in her opinion, a registrar engaged in misconduct, willful and material neglect of duty, or incompetence in office. The registrar is entitled to a full hearing in Superior Court. The law also authorizes the secretary to temporarily relieve the duties of a registrar who (1) fails to

earn or maintain certification or (2) is the subject of an investigation resulting from a statement the secretary files with SEEC.

([PA 15-224, §§ 1-2, 4 & 5](#), effective upon passage)

Exemption from Jury Duty

A new law registrars of voters and deputy registrars from jury duty during the 21 days before and after each federal, state, or municipal election, primary, or referendum.

([PA 15-224, § 33](#), effective upon passage)

Post-Election Audits

A new law allows the secretary of the state, in consultation and coordination with UConn, to authorize the use of electronic equipment to conduct audits for any primary or general election held on or after January 1, 2016. As of the same date, it allows registrars of voters to conduct audits electronically when authorized to do so by the secretary and UConn pursuant to the act's provisions.

([PA 15-224, §§ 28-29](#), effective upon passage)

Posting Voter ID Requirements

The legislature required that voter ID requirements be posted prominently next to the official checkers in every polling place in a primary, election, and referendum. The secretary of the state must prescribe the display's form, and

the registrars must provide one for each polling place. The display must be visible to each elector when his or her name is checked off the official checklist.

([PA 15-224, § 18](#), effective upon passage)

VITAL AND PUBLIC RECORDS

Birth Certificate Amendments

By law, town clerks are registrars of vital statistics in charge of birth records. A new law allows a person who has undergone surgical, hormonal, or other clinically appropriate treatment for gender transition to change the sex designation and name on his or her birth certificate. It requires the public health commissioner to issue a new birth certificate to a transgender person who

1. requests in writing, signed under penalty of law, a replacement birth certificate that reflects a gender different from the sex designated on his or her original birth certificate;
2. provides a notarized affidavit from a licensed physician, advanced practice registered nurse, or psychologist stating that he or she has undergone surgical, hormonal, or other clinically appropriate treatment for gender transition; and
3. provides, if applicable, proof of a legal name change.

It also makes conforming changes to the statute allowing a probate court to decree that a state resident born in another jurisdiction has changed gender and that his or her birth certificate should be amended to reflect the change.

([PA 15-132](#), effective October 1, 2015)

Metropolitan District Commission

The legislature amended the Metropolitan District Commission's (MDC) special act charter by increasing, from one to two years, the time that a lien for delinquent MDC water rates and charges runs before it must be continued by filing a certificate with the town clerk.

([PA 15-114](#), effective upon passage)

Tax Increment Financing Districts

A new law allows municipalities, through their legislative bodies, to establish a tax increment district (generally known as a tax increment financing district) to finance economic development projects in eligible areas. The projects are funded by, among other things, assessments on real property in the district benefiting from certain public improvements (i.e., benefit assessments).

The new law establishes a process for establishing or amending benefit assessments. Under that process, the

municipality's board of finance must hold a public hearing on proposed benefit assessments and, among other things, file a copy of all proposed assessments with the town clerk at least 10 days before the hearing.

Once the board has determined the actual amount of the assessment, it must file a copy of the assessment with the town clerk and, within five days after such filing, (1) publish a copy of it in a newspaper with general circulation in the municipality and (2) mail a copy of it to the last known address of the affected property owners. The mailings and publications must state the date on which they were filed with the town clerk and that all appeals must be taken within 21 days after that date.

([PA 15-57](#), effective October 1, 2015)

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