



# Acts Affecting Town Clerks and Elections

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## Notice to Readers

This report provides highlights of new laws affecting town clerks and elections enacted during the 2017 regular legislative session. It does not include vetoed acts.

Not all provisions of the acts are included here. Complete summaries of all 2017 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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## **Elections**

### ***Accessibility of Polling Places***

By law, a town's registrar of voters or legislative body must select polling places that are accessible to people with physical disabilities. If no such site is available that can reasonably be made accessible, the registrar or legislative body may file a waiver application.

A new law requires the town's building official, instead of the Office of Protection and Advocacy for Persons with Disabilities (OPA), to approve the waiver application and file a copy of the approval with the secretary of the state. (OPA is no longer funded, and its duties have been transferred to other entities.) The new law also changes the waiver submission process. Under prior law, applicants had to submit the waiver application to the secretary, who had to refer it to OPA for review within seven days of receiving it. OPA was required to inform her of its approval or disapproval within 30 days after receiving it. The new law instead requires (1) applicants to submit the waiver application to the building official for approval and (2) the secretary, within 30 days after the application is filed, to file a written objection to the waiver if she has reason to believe it should not be granted ([PA 17-96](#), § 4, effective July 1, 2017).

### ***Certain Endorsement and Nomination Certificates Filed with Town Clerks***

A new law changes election procedures affecting certain endorsement and nomination certificates. Among other things, it (1) requires that nomination certificates for single-town district legislative candidates in a vacancy election be filed with the secretary of the state, rather than with the town clerk; (2) eliminates the requirement that endorsed candidates for town committee member sign the endorsement certificate that, by law, parties must file with the town clerk; and (3) reduces, from two to one, the number of party officials who must sign certain endorsement or nomination certificates ([PA 17-143](#), effective upon passage).

## **Land Records and Real Property**

### ***Filing False Records***

A new law (1) makes it a crime, classified as a class D felony, to file a false record on a municipal land record or under the Uniform Commercial Code and (2) gives victims a cause of action to petition the court to have such a record invalidated ([PA 17-99](#), §§ 46-49, effective October 1, 2017).

## ***Real Estate Broker Notice of Commission Rights***

By law, a real estate broker has certain rights to any commission charged with respect to a commercial real estate transaction (i.e., the broker can file a lien). Under prior law, the broker had to file a notice of commission rights with the town clerk where the property is located within 30 days after the execution of the lease or the tenant's occupancy, whichever was later. A new law instead requires brokers to file the notice within 60 days after the lease's execution, the tenant's occupancy, or the rent commencement date specified in the lease, whichever is later ([PA 17-169](#), effective January 1, 2018).

## ***Recording Trust Instruments***

Existing law establishes the validity of conveyance of interest in real property by, or to, trusts and trustees. A new law requires town clerks to index an instrument by the name of the trust and trustee identified in the instrument if the grantor, grantee, releasor, releasee, assignor, assignee, transferor, or transferee is a trust ([PA 17-99](#), § 50, effective October 1, 2017).

## **Miscellaneous**

### ***Beekeepers' Registrations***

A new law requires beekeepers to register their bee hives with the state entomologist when they acquire bees as well as annually by October 1, as under existing law. The entomologist must make the registration information publicly available. Under the new law, however, he no longer has to forward registration information to the town clerk in the municipality where the registrant lives ([PA 17-21](#), effective upon passage).

## **Property Tax Exemptions**

### ***Gold Star Parents and Surviving Spouses***

A new law allows municipalities, with their legislative body's approval, to provide a property tax exemption to a parent or surviving spouse of a service member killed in action while performing active military duty with the U.S. Armed Forces (i.e., "Gold Star" parent or surviving spouse). A municipality may exempt up to \$20,000 or 10% of the property's assessed value.

Among other things, a parent or surviving spouse claiming the exemption must (1) notify the town clerk in the municipality where he or she resides and (2) file an application, on a form prepared by the tax assessor, before the assessment date for which the exemption is claimed. The legislation prohibits an assessor, board of assessment appeals, or other official from granting an exemption

until all of the required documents are filed with the town clerk. The municipal tax assessor must annually make a certified list of parents and surviving spouses that are entitled to the exemption and file it in the town clerk's office ([PA 17-65](#), effective October 1, 2017, and applicable to assessment years beginning on or after October 1, 2017).

## ***Veterans***

A new law establishes an additional optional municipal veteran's property tax exemption by allowing municipalities, with their legislative body's approval, to provide a property tax exemption to certain veterans who do not qualify for certain veteran property tax exemptions (i.e., wartime, disabled, and severe service-related exemptions). A municipality may exempt up to \$5,000 or 5% of the property's assessed value.

Among other things, a veteran claiming the exemption must complete the same process described above regarding the Gold Star exemption, and the new law prohibits the granting of an exemption until all of the required documents are filed with the town clerk. The municipal tax assessor must annually make a certified list of veterans that are entitled to the exemption and file it in the town clerk's office ([PA 17-189](#), effective October 1, 2017, and applicable to assessment years beginning on or after October 1, 2017).

## **Registrars of Vital Statistics**

### ***Assistant Registrars of Vital Statistics***

A new law removes the statutory cap on the number of assistant registrars a town's elected, appointed, or ex-officio registrar of vital statistics may appoint. Prior law allowed up to four such appointments per town. By law, assistant registrars may exercise the same powers and duties as the registrar ([PA 17-46](#), effective October 1, 2017).

### ***Legal Age to Marry***

A new law (1) prohibits anyone younger than age 16 from being issued a marriage license under any circumstances and (2) narrows the circumstances in which such a license may be issued to a 16- or 17-year-old.

Under prior law, a 16- or 17-year-old could be issued a marriage license if the registrar of vital statistics had on file the written consent of the minor's parent or guardian. If the minor was younger than age 16, he or she also needed the written consent of the probate judge where the minor resides. (The probate judge's written consent alone could suffice for a minor's marriage license if no parent or guardian was a U.S. resident.)

Under the act, a 16- or 17-year-old may obtain a marriage license only if the probate court where the minor resides approves a petition filed on the minor's behalf by his or her parent or guardian ([PA 17-54](#), effective October 1, 2017).

TA:cmg