

The Public Recorder



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Report of the Past President, Theodora K. Eaton



Thank You To All!

By Tedi Eaton

It's been a busy, hectic two years for all of us. There were times when I wondered what I had gotten myself into. Other times I was so thankful that I was given the opportunity to give back just a small part of the many benefits I have received by being a part of this association. I thank you all.

Both the Massachusetts City and Town Clerk's Associations should be proud. They are great organizations and there are so many volunteers both current and past who have donated countless hours to make these associations solid, viable forces in this Commonwealth. We try hard to give our clerks a solid educational, professional background covering the many duties and responsibilities that make up our job. We should all be proud of what has been accomplished. Our many volunteers make this Association what it is today. And to our new clerks, welcome and jump right in and lend a hand. It's your association, too, and the more you volunteer, the more conferences you attend, the more rewarding your career will be.

There have been many changes during the past two years and I'm sure there will be more in the coming years. In 2009 – 2010, we had at least two and for some four additional state primaries and elections. We asked the State Auditor for a determination on whether or not these state elections were considered state mandates. The answer was yes and we eventually received reimbursement for the Special Kennedy elections. In July 2009, the new ethics legislation was passed – and much of that legislation placed additional duties and responsibilities on the local municipal clerk – The Open Meeting Law, the Ethics training and testing requirements, the new campaign finance requirements, and the long awaited new Vitals electronic birthing program. We've been busy and accomplished a lot – much of these without additional funding. We have continued to provide scholarships to our clerks for the annual New England Municipal Clerks Institute as well as for our Massachusetts conferences. The economic climate has been difficult and it may continue into the near future, but I don't believe we have turned anyone away.

I would be remiss if I didn't thank each and every member of the Executive Board, the Education Committee, the Editor of the Public Recorder, the Budget Committee, the Certification Administration, the Database Coordinator, the Conference Registration Administrator, the Legislative Committee, the Nominating Committee, the Scholarship Committee, the producer of our conference brochure booklet, and every individual and committee that has volunteered their time for the good of our association.

We will continue to be busy. It is the nature of our office. Please welcome our new President, Donna Hooper, and our newly sworn in slate of officers. Donna has been a great asset to the Executive Board during the past two years and I know she is ready and able to take on the job of President of the Massachusetts Town Clerk's Association. If I had one piece of advice to pass on it would be to be open and responsive to our members.... And members, be open and responsive to your new President and the MTCA Executive Board. Thank you again and again!



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Report of the President, Donna Hooper

Congratulations to all involved with the June conference at Sea Crest! It was another successful conference offering informative and timely educational programs at a newly refurbished facility, great weather, and fun!

It is with great honor I assume the office of MTCA President for the upcoming year. I welcome your recommendations, constructive criticism, and support over the upcoming year as we, the MTCA, move ahead to embrace and confront the many issues with which we deal in the role of municipal clerk.

We are entering a busy year, with many changes, and many new faces. With your support and involvement we, as Clerks, will be well-informed and ready for whatever we encounter.

MTCA MISSION: *The MTCA shall be dedicated to the purposes of increasing the proficiency of Town Clerks and other local government officials, of strengthening the quality of local government through professionalism, and of promoting recognition of the importance of the office of the Town Clerk.*

Outlined below are some of the priorities I have identified for the upcoming year as we work together on behalf of the MTCA:

- ◆ Promote the *professionalism* of the role of the Town Clerk, through strong educational programs and ;
- ◆ Develop closer *communication and collaboration* with county Associations in furthering educational offerings of Municipal Clerks;
- ◆ Work *collaboratively and continue to develop relationships* with City Clerks, representatives of state agencies, the IIMC, and affiliated agencies;
- ◆ Support efforts of *Legislative initiatives* to recognize ways for increased effectiveness and decreased 'red tape';
- ◆ Encourage ongoing participation and development of *mentoring program* for new Clerks as we undergo changes in the role and responsibilities of the Municipal Clerk;
- ◆ Encourage *full participation of members* in support of the efforts of the MTCA and Massachusetts' Clerks – we need **YOU**;
- ◆ Promote the *well-being* of Municipal Clerks!

Best wishes for a relaxing and refreshing summer,

Donna Hooper, MTCA President
Lexington Town Clerk



MTCA LOBBYIST REPORT – JUNE 2011

By Stephen Roche

FY2012 STATE BUDGET - SENATE

On May 18th, the first budget produced by the new Chair of the Senate Ways & Means Committee, Sen. Steve Brewer, was released.

As was the case with the House budget, one of the main issues in the Senate budget was municipal health care design. As was expected, the lobbyists for municipal employee unions lobbied hard for changes on the Senate side. They met with limited success as the Senate also embraced “reform.”

The Senate plan – **Senate 1920** - is more labor friendly in that it provides for a union representative to be at the table to negotiate health insurance plans. But an amendment adopted during the Senate budget debate has caused some concern with local officials – they believe that provisions requiring that retirees pay the same share of premiums as current employees will cut deeply into the \$100 million that would be saved through “muni health reform.”

A new report from the Massachusetts Taxpayers Foundation concludes “as many as 100 cities and towns would be forced to contribute more for retiree health care, and argues that all municipalities and regional school districts would have their hands tied in the future to manage retiree health care costs” if the Senate amendment is adopted as part of the budget sent to Governor Patrick.

Both the House and Senate health reform plans require all eligible employees onto Medicare.

A very interesting aspect of the Senate budget debate was an attempt by advocates to have the following election laws amendments adopted:

AMD# 30 - Permanent Voter Registration

Ms. Chang-Diaz moved that the bill be amended by inserting, after Section _____, the following new Sections:-

"SECTION _____. After Section 63 of Chapter 51 of the Massachusetts General Laws, the following new Section is added:

"Section 64: Electronic Updating of the Annual Register of Voters and Central Voter Registry by the State Secretary.

Notwithstanding any general or special law to the contrary, the State Secretary shall obtain data from the Massachusetts Registry of Motor Vehicles and the United States Postal Service, in order to ascertain whether any persons, who otherwise already have a valid and complete affidavit of voter registration, have changed their address within the Commonwealth of Massachusetts.

At least every three months, the State Secretary shall seek such information from the Registry of Motor Vehicles and the US Postal Service. These agencies shall electronically transmit to the State Secretary

¹ Original Senate budget bill number is Senate 3; final bill, post debate, is Senate 1920.

information for persons who have changed their address within the Commonwealth of Massachusetts in the past three months, including, where available:

(i) Name, Current Address, Mailing Address, Date of Birth, Identification # (Driver's License Number or Last 4 digits of Social security Number), Telephone Number

(ii) Date, time, and nature of the last change to the information; and

(iii) Any additional information designated by the State Secretary for such purposes and reasonably related to the management of elections.

(iv) If information is sent because it has changed since the last transmission from the source agency, the source agency shall transmit both the new information and the old information, labeled accordingly.

If the information transferred reflects a person already included in the Central Registry of Voters as a duly registered voter, and if the information reliably indicates a more recent update to the person's name or address than is currently contained in the Central Registry of Voters, the State Secretary shall ensure that the person's records in the Central Registry of Voters are updated accordingly, and shall alert the appropriate municipal registrars to update the person's records in their annual register of voters accordingly.

The State Secretary shall ensure that each voter whose address is changed in the Central Registry of Voters is promptly sent written notice of the change and their new voting location. Any notice required by this section may be sent with other notices required or permitted by law.

SECTION _____. Section _____ shall take effect 1 year from the date of passage."

AMD# 31 - Central Registry of Voters

Ms. Chang-Diaz moved that the bill be amended by inserting, after Section _____, the following new Section:-

"SECTION _____. The last sentence of Section 47C of chapter 51 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following sentences:

The names and addresses contained in said central registry shall not be a matter of public record, provided however, that the names and addresses, dates of registration, voting history, and dates of birth shall be made available to the jury commissioner and adjutant general at no cost; they shall be made available to state party committees, statewide candidate committees, and state ballot question committees at a fair and reasonable cost, set by the state secretary, not to exceed the cost of printing or preparing computer readable documents, and further they shall be made available to organizations with Internal Revenue Service status of 501 (c)(3), 501 (c)(4), 501(c)5, and 527s, and Political Action Committees (or PACs), for a fee of \$1000, entitling the receiving organization to use of the information for purposes of civic engagement, public policy advocacy, and political advocacy. The State Secretary may deny requests for this information to any receiving organization that has had a history of using the abovementioned data for purposes other than those permitted in this section. In the event of a data request denial, the State Secretary shall provide a written explanation of the denial to the requesting organization."

Both amendments were rejected!

These issues and the rest of the FY2012 state budget are now in the hands of a six member conference committee – 3 senators and 3 representatives.

A final budget plan is expected to be filed soon.

PENSION REFORM

While there has been no action to date on the Governor's plan – **House 35** – there has been plenty of discussion among the key stakeholders. The House Speaker has recently announced that action on the Governor's bill could come this Summer or early in the Fall.

GAMBLING

There is continuing pressure on Beacon Hill to expand gambling, given the numerous cuts in the House and Senate budgets – from Local Aid to child care – and need for new sources of state revenue. Recently, the Big Three – the Governor, the Speaker and the Senate President - have been discussing a plan that they can all agree upon. We expect to see this issue brought to the House Floor for debate in July.

ELECTION LAWS COMMITTEE

The Committee held another public hearing on June 15th - while there were no MTCA bills on the docket, we are tracking a number of these bills:

Joint Committee on Election Laws

Public Hearing

06/15/2011

2:00 PM - A-2

Voter Participation, Rights

[HB1110](#) An Act relative to early voting - *Representative Robert M. Koczera (D)* **Tracking:** [clerks - early voting](#)

[HB1119](#) An Act to establish early voting. - *Representative Steven M. Walsh (D)* **Tracking:** [clerks - early voting](#)

[HB1120](#) An act establishing permanent voter registration for registered voters who move within the commonwealth - *Representative Alice K. Wolf (D)*

[HB188](#) An Act relative to voting by sex offenders - *Representative Demetrius J. Atsalis (D)*

[HB189](#) An Act assuring that polling places are accessible to elderly and physically challenged voters - *Representative Bruce J. Ayers (D)*

[HB192](#) An Act relative to age requirements in local elections - *Representative Sean Garballey (D)*

[HB1969](#) An Act relative to residency requirements in local elections - *Representative Cory Atkins (D)*

[HB1973](#) An Act relative to voter privacy - *Representative Anne M. Gobi (D)*

[HB1979](#) An Act relative to pre-registration of voters - *Representative Michael J. Moran (D)*

[HB201](#) An Act to secure the right of blind and visually impaired people to vote under the same conditions of privacy and independence as sighted people - *Representative Peter J. Koutoujian (D)*

[HB202](#) An Act enabling cities and towns to extend voting rights in municipal elections to certain

noncitizens of the Commonwealth - *Representative Byron Rushing (D)*

[HB208](#) An Act to allow voter registration at public libraries - *Representative Thomas M. Stanley (D)*

[HB2737](#) An Act relative to specially qualified voters - *Representative Angelo M. Scaccia (D)*

[HB2738](#) An Act relative to voter registration for program participants - *Representative Angelo M. Scaccia (D)*

[SB296](#) An act to establish permanent voter registration for registered voters who move within the Commonwealth. - *Senator Sonia R. Chang-Diaz (D)* **Tracking:** [Clerks-voter Registration](#)

[SB298](#) An Act establishing online voter registration. - *Senator Katherine Clark (D)* **Tracking:** [Clerks-voter Registration](#)

[SB299](#)

[SB302](#) An Act relative to pre-registration of voters - *Senator Sal N. DiDomenico (D)* **Tracking:** [Clerks-voter Registration](#)

[SB310](#) An Act relative to voter registration in public high schools - *Senator Michael R. Knapik (R)* **Tracking:** [Clerks-voter Registration](#)

[SB319](#) An Act to remove unfair incumbent advantage from the ballot and to change “unenrolled” to “independent”. - *Senator Bruce E. Tarr (R)*

MCTA LEGISLATOR OF THE YEAR

It was great to have Rep Vinny deMacedo join us at the MTCA Summer Conference to accept his 2nd “Legislator of the Year” award for his assistance in 2010. A few of the more significant issues that Vinny assisted us on include:

- passage of the vital records bill after 19 years
- ensuring that there were no “surcharges” in any animal control legislation considered by the House
- co-sponsorship of and advocacy for several MTCA bills



Left to right: Rep. DeMacedo, MTCA President Tedi Eaton, & Legislative Chair Larry Pizer

Vinny has risen through the House ranks over the years and is now the Ranking Minority Member of the House budget committee. As such, he sits on any conference committee appointed to resolve differences between the House and Senate on budget or tax issues.

We are fortunate to have this heavy hitter as a good friend on Beacon Hill!

**STATE AUDITOR
DIVISION OF LOCAL MANDATES**



STATE FUNDING FOR THE 2012 PRESIDENTIAL PRIMARY AND STATE ELECTIONS, CHAPTER 503 OF THE ACTS OF 1983



The State Auditor's Division of Local Mandates (DLM) is beginning the certification process of state mandated costs resulting from the Uniform Polling Hours Law for primaries and elections of federal and state officers to be held in 2012. As you know, Chapter 503 requires that all polling places for state elections open no later than 7:00 a.m. and remain open until 8:00 p.m. Because state law prior to Chapter 503 allowed polls to open as late as 10:00 a.m., three hours of mandated election expenses are eligible for state funding under the Local Mandate Law, M. G. L. c. 29, § 27C. Since 1984, the Office of the State Auditor has certified over \$18.6 million for direct distributions of state funding to cities and towns for this mandate since 1984. For past certifications, this has been done utilizing paper forms and the U. S. Postal Service.

In an effort to increase efficiency and reduce costs, we have developed an electronic Chapter 503 cost certification form that you may access by clicking the following link:

[PollingHoursCert2011](#)

Please review the instructions for completing and sending the cost form along with the certification clause. Once the form is returned to DLM, our staff will review the data and certify funding for your community. **The information that you provide will serve as the basis for state distributions to support mandated costs for the Presidential primary in March 2012, and the state elections scheduled for September and November 2012.**

As in past years, your municipal treasurer should receive funding by check or wire transfer to cover the first three hours of operating polling places shortly before the March 2012 Presidential primary. Distributions to cover the first three hours of both the September state primary and November final elections should go out in August. State law provides that this funding will be earmarked to support the Chapter 503 mandate.

The electronic form is easy to use and asks for the same types of data that we have requested in prior years. If you do have a substantive or technical question about the form, please call Anthony D'Aiello at 617-727-0025, or email DLM.CostCertification@sao.state.ma.us. **The deadline to submit your certification form is July 15, 2011.**

Thank you and I look forward to working with you to ensure full and timely certification of the polling hours mandate for every community.



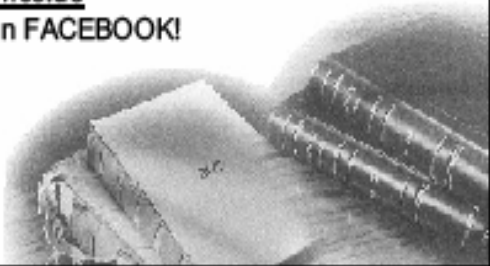
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MTCA CERTIFICATION EXAM (CMMC) IN JULY

The MTCA examination for Certified Massachusetts Municipal Clerk (CMMC) designation will be offered in July. Applications must be received by Administrator Barbara LaBombard by **JUNE 30th** for the July exam, which will be mailed between July 16th and 23rd.

Applicants must have at least **three years** experience as **Town Clerk** and must complete a minimum of six required courses sponsored by the MTCA.

The Administrator will verify the courses through the Education Committee. More information is available in the certification program brochure.


Completed exams must be postmarked no later than August 25th for the July exam. Applicants are **strongly** urged to return the completed answer sheets by **certified mail**, return receipt requested.

Applicants will be notified by mail of the results of their exams by September 15th. A copy of the notification must be submitted with the application for MTCA certification. The notification of successful completion of the exam will be valid for one year and will have an expiration date printed on it. If an applicant is not certified within one year, the test must be repeated.

The passing score for the exam is 80. Applicants are advised that they will need access to an updated copy of the Massachusetts General Laws to complete the exam successfully.

A non-refundable fee of \$50.00, made payable to the MTCA, must be submitted with the application. This examination is offered twice yearly – during the months of January and July. Application forms for the examination are available from the administrator, Barbara LaBombard. For more information or to receive the exam packet, please e-mail cityclerk@easthampton.org or call 413-529-1460.

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MTCA CONFERENCE SCHEDULES

MTCA FALL CONFERENCE

October 12, 13 & 14, 2011
Jiminy Peak Mountain Resort
Hancock, MA

NEACTC

November 16, 17 & 18, 2011
Hilton Mystic
Mystic, CT

MTCA WINTER CONFERENCE

January 25, 26, & 27, 2012
Sturbridge Host Hotel
Sturbridge, MA





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Newsletter of the MTCA

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