

# The Public Recorder



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## Report of the President, Sally M. Hayden

### “The Times They Are A-Changin!”

In the distance, can you hear it? .....EDR,.....EDR, .....EDR. There is a faint whisper in the distance, yes I believe it is saying **Election Day Registration**. The Massachusetts Town Clerks Association has not taken a stand on Election Day Registration. We realize the work load will be increased and the cost significant. Our Election Task Force drew up legislation on EDR and it now is in the hands of our Legislative Committee. They will be discussing it at their future meetings, comparing it to legislation that has been filed.

Some of the points of interest on the legislation that has been filed are;

Section 1 – Amends current law to prohibit voters, who have moved their residence from voting in the municipality of their former residence, clarifies that voters who have moved their residence are eligible to register to vote in the municipality to which they have moved, on the same day as a state election.

Section 3 – Allows a person who has moved to register on the day of election in their new city or town residence.

Section 4 – Provides on the last day of registration sessions before an election that registration take place no later than 5 p.m.

Section (6), 12 and 13 – Changes the last day of registration sessions from 20 to 14 days prior to the primary election. Shortening the deadline to register has been explained as to ease the flow of voters registering on Election Day. *It is my understanding the Secretary of State opposes the 14 day deadline.*

Section 7- Revises the general laws to be in conformity with the change of time which registration sessions close on the last day to register prior to a primary or election.

Section 11- Amends current law to permit registration on the day of a state election. Permits a voter to register at the appropriate polling place based on where he maintains residence on the day of a state election. Requires the applicant to provide verification of identity in the form that is prescribed by the Secretary of State.

Permits the Secretary of State to determine the date on which registrars shall place the names of qualified applicants on the annual registry of voters after the date of an election.

Requires the Secretary of State to make available a printed copy of the registered voters in each precinct to the registrars at the polling place for that precinct.

Exempts annual town meeting and special town meeting from Election Day registration. Allows the Secretary of State to promulgate regulations to administer Election Day registration.

Establishes an advisory committee and provides a sunset clause for this legislation of July 1, 2011. This would both repeal the new EDR language, and reinstate the current language.

It appears that Massachusetts may be joining their fellow New England states, Maine and New Hampshire who currently have EDR. Many decisions will have to be made before the implementation of EDR. The cost factor must be taken into consideration by the State. Massachusetts towns are in the midst of budget crisis, as well as the State. Does the State have the finances to print ballots for the anticipated on slot of newly registered voters? Where will towns find the necessary dollars to fund the registering of voters at each precinct? The Legislators thrive on passing legislation; unfortunately they are not the ones who have to implement it.

**“Come senators, congressmen – Please heed the call” .....**  
**“For the times they are a-changin!”**

**MTCA LOBBYIST REPORT – February 2008**  
**By Stephen Roche**

It was good to see many of you at the MTCA Winter Conference. But so much for the rumor that I heard about Senator Ed Augustus resigning to become the new Secretary of Education for Governor Patrick; as you may know, another person was named to that job the week after the conference.

*ELECTION DAY REGISTRATION*

As was obvious at the conference, EDR remains one of the top concerns of town clerks across the state. It was very helpful to have Michelle from the Elections Division there to more fully explain how the proposal recently reported out of the Election Laws (EL) Committee would work. However, after Michelle’s presentation, several clerks mentioned to me that they were disappointed to be hearing some of these concerns from the State Secretary’s Office for the first time, knowing that the MTCA Legislative Committee has sought meetings with the Secretary’s Office several times during the past year to discuss EDR and related issues, like the check-out table.

As I mentioned at the conference, we are still working actively on the bill and see the elimination of the check-out table and state funding for the local mandate that passage of the EDR bill will impose upon communities.

The new bill, **SENATE 2514**, was sent to the Senate Ways & Means (SWM) Committee on February 25<sup>th</sup>. There is no set time table for action on the bill – it could be brought out of SWM at any time and placed on the Senate Calendar for debate.

A number of clerks wanted to know who they could contact on EDR in addition to their own state legislators. At this point, with the bill in SWM, you could also contact the following Senate leaders:

**SENATE PRESIDENT**  
**THERESE MURRAY**

**State House**

Room 330  
Boston, MA 02133  
Tel: (617) 722-1500  
FAX: (617) 248-3840

**District Office**

10 Cordage Park Circle, Room 229  
Plymouth, MA 02360  
Tel: (508) 746-9332  
Tel: (508) 746-4910

**SWM Chair: STEVEN C. PANAGIOTAKOS**

**State House**

Room 212

State House

Boston, MA 02133

**Telephone:** 617-722-1630

**District Office**

316 Parker Street

Lowell, MA 01851

(978) 454-0086

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State House, Room 109-B

Boston, MA 02133

Telephone: (617) 722-1540

**SWM Assistant Vice Chair**

**HARRIETTE L. CHANDLER**

State House, Room 312-D

Boston, MA 02133

Telephone: (617) 722-1544

Fax: (617) 722-1357

**MTCA BILL UPDATES**

We recently (and finally) saw action on a few of the MTCA's legislative proposals for the 2007-2008 session. Here's a quick overview of where we stand.

**SENATE 455 - An Act Relative to the Street List**

10/22/2007 – S Reported favorably by Joint Committee on Election Laws

10/23/2007 – S Referred to Senate Committee on Ways and Means

**HOUSE 639 - An Act Relative to Voting Equipment (cancelation device)**

02/06/2008 – H Reported favorably by Joint Committee on Election Laws

02/07/2008 – H Referred to House Committee on Steering, Policy and Scheduling

03/11/2008 – H Placed in the Orders of the Day for the next session

03/12/2008 – H Ordered to a third reading

**HOUSE 640 - An Act Relative to Election Officers (check-out table)**

04/27/2007 – Hearing Scheduled JEL 9/19/2007 – *NO ACTION TAKEN SINCE HEARING*

**HOUSE 680 - An Act Establishing Identification Requirements for Voters Who Registered by Mail**

02/06/2008 – H Reported favorably by Joint Committee on Election Laws

02/07/2008 – H Referred to House Committee on Steering, Policy and Scheduling

03/11/2008 – H Placed in the Orders of the Day for the next session

**HOUSE 2213 - An Act to Establish an Electronic System of Vital Records<sup>1</sup>**

04/24/2007 – Hearing Scheduled JPH 7/25/2007 - *NO ACTION TAKEN SINCE HEARING*

**HOUSE 2218 - An Act Relating to the Security of the Vital Records and Verification of Identity<sup>2</sup>**

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<sup>1</sup> As earlier stated, the MTCA Legislative Committee is no longer pushing this bill – we are putting all our effort behind House 2218.

<sup>2</sup> This bill continues to be discussed in a working group that includes the MTCA, DPH, and other stakeholders.

04/24/2007 – Hearing Scheduled JPH 7/25/2007 2007 - *NO ACTION TAKEN SINCE HEARING*

**HOUSE 3222 - An Act Establishing Fees for Electronic Records**

06/08/2007 – Hearing Scheduled JSA 6/19/2007 2007 - *NO ACTION TAKEN SINCE HEARING*

*Happy St. Paddy's Day and Happy Easter to all!*

**Western Massachusetts City and Town Clerks' Association**

Reminder to all Western Massachusetts City and Town Clerks:

WMCTCA will hold its annual spring meeting on April 11, 2008. Gregor Trinkus-Randall, M.A.L.S., C.A. - Preservation Specialist with the Massachusetts Board of Library Commissioners will be speaking on disaster planning, security of our records and dPlan.

Friday, April 11, 2008  
Program 9:30 – Noon  
Buffet Lunch to follow  
Whately Inn  
193 Chestnut Plain Road  
Whately, MA 01093  
Cost: \$25.00

RSVP: Barbara LaBombard, City Clerk, 50 Payson Avenue, Easthampton, MA 01027

**HAVA, VVSGs and Your Comments**

*By William C. Campbell, Woburn City Clerk*

At the city and town clerks joint conference held in Sturbridge there was discussion about “voluntary voting system guidelines” (known as VVSGs) with respect to voting machines. The Election Assistance Commission (EAC) is currently reviewing a new set of VVSGs. What are VVSGs?

In simple terms, under HAVA a voting system is the hardware, software and firmware used to conduct an election. New guidelines are being developed by the EAC which will set standards to which the voting systems should be built. Since the federal government cannot dictate which machines a state will use, the standards that are being developed are described as “voluntary” and “guidelines”.

These will not be the first voting system guidelines. The first set of standards dates back to research conducted by the National Institute of Science and Technology (NIST) in 1974. Later standards were developed by the National Association of State Election Directors (NASSED) in 1990. More than thirty voting systems or system components went through the NASSED review.

In recognition of advances in computer technology since 1990, a further review and amendment of the election standards was authorized by the Federal Election Commission. These revisions are known as the 2002 Voting System Standards (2002 VVS).

In 2002, Congress passed the Help America Vote Act (HAVA) and established the EAC. One goal was to create a new process to improve voluntary voting system standards. Working with an alphabet soup of federal departments, boards and commissions, new standards were adopted as the 2005 VVSG. These amendments addressed security, usability and test methods. However, it was recognized that a more comprehensive improvement of the system of guidelines was needed.

The Technical Guidelines Development Committee (TGDC), which includes members with technical expertise and election officials, after extensive review compiled the next generation of standards. The new standards will address the areas of reliability and quality, usability and accessibility, security, and testing. The requirements will be more precise, detailed, and will use clearer language. The primary audience of the document will be voting system manufacturers and voting system test labs. Election officials, particularly those at the state level, will also use the guidelines. With testing labs certified by the EAC, voting systems could be purchased with the knowledge that they fully meet the current VVSGs.

The process for getting new voting systems in place can be lengthy. In a presentation at the December 2007 Standards Board meeting, one speaker estimated that it would take eighteen months to complete the approval of the new VVSG, eighteen months to develop new systems to meet the standards, and eighteen months for the systems to reach the market. It will also be expensive not only the time, but in the millions of dollars required for research, development and purchasing costs. Most voting system manufacturers are waiting for the adoption of new standards. It makes little sense to develop a system to standards that will be outmoded before their equipment reaches the market.

The EAC is accepting public comments to the proposed VVSG amendments through May 5, 2008. A complete set of the proposed standards are available on the EAC website at [www.eac.gov/vvsg](http://www.eac.gov/vvsg) While visiting the site, you can make comments on any of the sections that you review.

### MARCH 2008 – APRIL 2008

Thursday, March 20	Spring Begins
Sunday, April 23	Easter Sunday
Sunday, April 20	Passover
Monday, April 21	Patriot's Day
Wednesday, April 23	Professionals Day

### MTCA CONFERENCE SCHEDULES – 2008

**MTCA** SUMMER CONFERENCE  
 JUNE 11, 12, & 13, 2008  
 SEA CREST  
 FALMOUTH, MA

**IIMC** NE CLERK'S INSTITUTE & ACADEMY  
 JULY 13 – 18, 2008  
 ST. MICHAEL'S COLLEGE  
 COLCHESTER, VT

**MTCA** FALL CONFERENCE  
 SEPTEMBER 24, 25, & 26  
 JIMINY PEAK  
 HANCOCK, MA

**“TO ACCOMPLISH GREAT THINGS,  
 WE MUST NOT ONLY DREAM, BUT ACT”**



Please welcome the Massachusetts Town Clerk's Association's recently appointed Public Recorder Editor, Nancy Burnham, Athol, Massachusetts.

Thank you for the great experience, and your trust in me, to be the Massachusetts Town Clerk's Association's Public Recorder Editor. It has been an honor and privilege, over the years, to be a small part of a very productive, caring, and supportive Association.

I wish you all the best as you continue your journey to represent your cities and towns and the Commonwealth in the democratic practice.

Elizabeth A. Carey  
Tewksbury Town Clerk  
Retiring April 2008

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# The Public Recorder

## Newsletter of the MTCA

584 Main Street  
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